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> Of Attorneys for Defendant Metropolitan Property and Casualty Insurance Company

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

PORTLAND DIVISION

LUCILLE BECK, an individual,)	Case No. 3:13-cv-00879-AC
77. 1. 100)	
Plaintiff,)	
)	DECLARATION OF DANIEL E. THENELI
v.)	IN SUPPORT OF DEFENDANT'S
)	RESPONSE IN OPPOSITION TO
METROPOLITAN PROPERTY AND)	PLAINTIFF'S MOTION FOR ATTORNEY
CASUALTY INSURANCE COMPANY, a)	FEES AND COSTS
corporation,)	
)	
Defendant.)	
)	

- I, Daniel E. Thenell, declare the following:
- 1. I am an attorney licensed to practice law in the states of Idaho, Oregon, Washington, and Alaska. I began the practice of law as a law clerk in the United State District Court for the District of Oregon in 1996. I was a Deputy District Attorney in Washington

Page 1 – DECLARATAION OF DANIEL E. THENELL IN SUPPORT OF DEFENDANT'S RESPONSE IN OPPOSITION TO PLAINTIFF'S MOTION FOR ATTORNEY FEES AND COSTS

County, Oregon, from 1999 to 2005. Since 2005 I have been in private practice in Portland, Oregon. The majority of my practice involves insurance coverage litigation in Oregon, Idaho and Washington. I am the managing shareholder of Thenell Law Group, P.C., and am the attorney of record in the above captioned action for Defendant Metropolitan Property and

2. Attached hereto as Exhibit A is a true and accurate copy of the pertinent pages, highlighted for the Court's convenience, of the transcript for the hearing held on August 15, 2014.

Casualty Insurance Company, hereinafter "Defendant".

3. The following table contains true and accurate excerpts of the specific billing entries from Plaintiff's submissions in her Motion for Attorney Fees which involve intra-office conferences between attorneys and/or multiple attorneys billing for the same tasks:

Date	Timekeeper	Description	Hours	Rate	Amount
		Review e-mail from and telephone conference with Mrs. Beck			
		concerning next steps with regard to fire claim. Confer with			
1/11/12	CHG	Attorney Reilly concerning same.	0.40	\$375.00	\$150.00
		Conference with Attorney Greenwood regarding needs and			
		assignment. Review e-mails concerning client questions and			
1/13/12	ATR	legal needs.	0.70	\$310.00	\$217.00
		Confer with Attorney Reilly on meeting with insurer for later this			
1/16/12	CHG	week.	0.50	\$375.00	\$187.50
		Review status of claim and confer with Attorney Greenwood			
		regarding same. Review insurance policy to confirm payments			
2/29/12	ATR	and coverage owed.	0.90	\$310.00	\$279.00
3/9/12	CHG	Confer with Attorney Reilly on status of Mr. Shook's work.	0.20	\$375.00	\$75.00
		Review policy to firm up understanding of certain provisions			
5/23/12	ATR	therein. Confer with Attorney Greenwood regarding status.	0.80	\$310.00	\$248.00
		Telephone conferences with Mrs. Beck and Attorney Greenwood			
		regarding settlement strategy and scheduling meeting to cover			
5/29/12	ATR	same.	0.40	\$310.00	\$124.00
6/22/12	CHG	Confer with Attorney Reilly on scope issues.	0.30	\$375.00	\$112.50
		Confer with Attorney Reilly on scope issues and how to move to			
6/29/12	CHG	finality.	0.70	\$375.00	\$262.50
		E-mails with Attorney Greenwood and Mr. Shook regarding			
7/3/12	ATR	meeting to discuss remaining scope issues.	0.40	\$310.00	\$124.00
		Review prior scopes. Instruct Legal Assistant Fleskes to prepare			
7/17/12	CHG	comparative analysis for use in settlement discussions.	0.50	\$375.00	\$187.50
		Confer with Attorney Reilly on Mr. Funk's visit and need to set			
8/24/12	CHG	objectives to be achieved. Analysis of how best to proceed.	0.60	\$375.00	\$225.00
		Telephone conference with Mr. Shook concerning upcoming			
8/27/12	CHG	meeting. Confer with Attorney Reilly concerning same.	1.10	\$375.00	\$412.50
8/30/12	CHG	Confer with Attorney Reilly on code exclusion issues.	0.60	\$375.00	\$225.00

Page 2 – DECLARATAION OF DANIEL E. THENELL IN SUPPORT OF DEFENDANT'S RESPONSE IN OPPOSITION TO PLAINTIFF'S MOTION FOR ATTORNEY FEES AND COSTS

Date	Timekeeper	Description	Hours	Rate	Amount
	•	Review revised scope from Partners, Inc. Conference with			
		Attorney Greenwood regarding revised scope and plans for			
9/11/12	ATR	addressing same.	0.50	\$310.00	\$155.00
		Review September 21 MetLife proposal and confer with			
10/18/12	ATR	Attorney Greenwood regarding strategy and next steps.	0.40	\$310.00	\$124.00
		Confer with Attorney Greenwood regarding status of			
		negotiations with MetLife and strategy for pursuing settlement.			
10/22/12	ATR	Follow-up e-mail to Attorney Greenwood regarding same.	0.80	\$310.00	\$248.00
		Confer with Attorney Greenwood regarding status, strategy, and			
		plans for trying to resolve remaining claims as favorably as			
10/24/12	ATR	possible.	0.30	\$310.00	\$93.00
		Review policy for provisions for demanding payment and			
		triggers that might follow such. Confer with Attorney			
10/26/12	ATR	Greenwood regarding same.	0.55	\$310.00	\$170.50
		Confer with Attorney Greenwood regarding possible alternative			
		experts to verify accuracy and/or identify problems with existing			
11/12/12	ATR	scope and bid.	0.80	\$310.00	
		Review e-mail regarding input on Attorney Greenwood's		400000	
		settlement proposal. E-mail to Attorney Greenwood with			
1/11/13	ATR	feedback on same.	0.70	\$315.00	
-, 11, 10		Review draft e-mail from Attorney Greenwood for accuracy and	3.,0	7212.00	
		additional input. Confer with Attorney Greenwood regarding			
1/14/13	ATR	same and planned further activity.	0.55	\$315.00	
1/11/13	71110	Review revised settlement letter to Mr. Funk and confer with	0.55	ψ313.00	
1/16/13	ATR	Attorney Greenwood regarding same and strategy going forward.	0.30	\$315.00	
1/10/13	71110	Check status. Confirm MetLife has not contacted Attorney	0.50	ψ313.00	
1/29/13	CHG	Reilly regarding Mrs. Beck's settlement offer.	0.10	\$385.00	
1/2//13	CHG	Confer with Attorney Greenwood regarding strategy going	0.10	Ψ303.00	
2/4/13	ATR	forward.	0.70	\$315.00	
2/4/13	MIK	Review status and analyze how to proceed. Review Oregon	0.70	Ψ313.00	
		statute on lack of good faith settlement by insurer and			
		consequences. Confer with Attorney Reilly on same. Telephone			
2/6/13	CHG	conference with Mrs. Beck. Draft letter to Mrs. Beck.	1.90	\$385.00	
2/0/13	CHG	Review and revise letter to Mrs. Beck prepared by Attorney	1.70	Ψ303.00	
2/7/13	ATR	Greenwood.	0.80	\$315.00	
2/1/13	MIK	Confer with Attorney Greenwood regarding strategy going	0.00	Ψ313.00	
2/7/13	ATR	forward.	0.60	\$315.00	
2/1/13	AIK	Revise and finalize letter to Attorney Thenell on moving forward	0.00	Φ313.00	
		with the restoration construction. Confer with Attorney Reilly on			
2/15/13	CHG	same. Prepare e-mail to Mrs. Beck on same.	1.60	\$385.00	
2/13/13	CHO	Review e-mail to Attorney Greenwood concerning next steps in	1.00	ψυσυ.υσ	
		claims process. Confer with Attorney Greenwood regarding			
2/19/13	ATR	feedback and potential response.	0.60	\$315.00	
2/17/13	MIK	Review correspondence from Attorney Thenell and confer with	0.00	Ψ313.00	
		Attorney Greenwood regarding same. Review and revise			
		correspondence to Attorney Thenell drafted by Attorney			
		Greenwood. Confer with Attorney Greenwood over strategy			
2/20/13	ATR	going forward.	0.60	\$315.00	
2/20/13	AIK	Review correspondence and e-mails from Attorney Greenwood	0.00	φ515.00	
		to Attorney Thenell. Review response e-mail from Attorney			
2/27/13	ΛТD	Thenell and confer with Attorney Greenwood regarding same.	0.50	\$315.00	\$157.50
	ATR		0.50 1.20		\$157.50
2/28/13	CHG	Confer with Attorney Reilly on coverage issues.	1.20	\$385.00	\$462.00
4/0/12	A TID	Review Mr. Eggert's report. E-mail to Attorney Greenwood	0.65	\$215.00	\$204.75
4/9/13	ATR	concerning same.	0.65	\$315.00	\$204.75
		Meet and confer with Attorney Greenwood regarding results of			
4/10/12	A A 337	legal research into "like kind and quality" language found in	0.25	¢100.00	¢((50
4/18/13	AAW	insurance policy.	0.35	\$190.00	\$66.50

Page 3 – DECLARATAION OF DANIEL E. THENELL IN SUPPORT OF DEFENDANT'S RESPONSE IN OPPOSITION TO PLAINTIFF'S MOTION FOR ATTORNEY FEES AND COSTS

Date	Timekeeper	Description	Hours	Rate	Amount
	•	Participate in extended conference call with Mr. Eggert, Mrs.			
		Beck, and Attorney Greenwood to discuss issues with scope and			
4/19/13	ATR	areas for potential challenges with same.	0.80	\$315.00	\$252.00
		Prepare memorandum to file on Mr. Eggert's report and lengthy			
		telephone conference with Mr. Eggert on April 19. Confer with			
4/22/12	CHC	Attorney Wheatley on researching like kind and quality versus	1.50	¢205.00	¢577.50
4/22/13	CHG	equivalency. Conduct legal research regarding the different interpretations	1.50	\$385.00	\$577.50
		given to policy terms requiring replacement with equivalent			
		materials versus like kind and quality materials. Draft e-mail to			
		Attorney Greenwood detailing the results of legal research on			
4/23/13	AAW	this issue.	3.40	\$190.00	\$646.00
		Review and respond to e-mails from Mr. Eggert. Review e-mail			
		from Attorney Wheatley on Oregon cases on like kind and			
		quality. Request Attorney Reilly provide coverage language on			
		loss above declared value. Review e-mail from Attorney Reilly			
		and confirm Coverage A Plus language applies. Outline issues to			
4/23/13	CHG	cover in demand letter.	3.25	\$385.00	\$1,251.25
		Review draft demand letter and enclosures. Prepare final			
		revisions. Confer with Attorney Reilly concerning same.			
5/3/13	CHG	Telephone conference with Mrs. Beck to inform her of the status. Finalize letter and send to Attorney Thenell.	2.60	\$385.00	\$1,001.00
3/3/13	CHO	Confer with Attorney Reilly on whether to call Attorney	2.00	\$363.00	\$1,001.00
		Thenell's office. Instruct Attorney Reilly to call Attorney			
5/10/13	CHG	Thenell on Monday to check status.	0.20	\$385.00	\$77.00
		Review e-mail from Attorney Thenell regarding receipt and		,	
		contemplated review of Mr. Eggert's report and responses to			
5/13/13	ATR	Attorney Greenwood's May 6th letter.	0.40	\$315.00	\$126.00
		Consider response and confer with Attorney Greenwood			
5/13/13	ATR	regarding same.	0.60	\$315.00	\$189.00
5 /1 O /1 O	4 mp	Review e-mail from Attorney Greenwood to Mrs. Beck and	0.10	#215 00	#21.50
5/13/13	ATR	confer with Attorney Greenwood regarding same.	0.10	\$315.00	\$31.50
5/12/12	A TD	Review and respond to e-mail from Attorney Greenwood	0.20	\$215.00	\$62.00
5/13/13	ATR	regarding loss of use issues and payments to date. Review policy provisions and correspondence from Attorney	0.20	\$315.00	\$63.00
		Thenell, Attorney Greenwood, and Mr. Funk regarding ongoing			
5/15/13	ATR	negotiations and status of claim.	0.70	\$315.00	\$220.50
0,10,10	1111	Review e-mail from Attorney Reilly. Listen to voicemail	0.70	φυ1υ100	\$220.0 0
5/16/13	CHG	message from Mrs. Beck and return call to discuss status.	0.75	\$385.00	\$288.75
		Telephone conference with clerk at the United States District			
		Court regarding delay in issuance of notice of case assignment			
		and scheduling order. Learn that case administrator was on			
		vacation and pleadings should be issued tomorrow. Update			
5/28/13	TL	Attorney Reilly.	0.20	\$125.00	\$25.00
5/20/12	ATED	Review rules on service requirements and plan related activity.	0.00	#215 OC	# 2 02.70
5/28/13	ATR	Confer with Paralegal Labrum regarding same.	0.90	\$315.00	\$283.50
		Telephone conference with Attorney Reilly to discuss Metropolitan's failure to file an Answer. Authorize seeking			
6/24/13	CHG	default.	0.20	\$385.00	\$77.00
G/ 2-T/ 13	0.110	Confer with Attorney Greenwood regarding activity and planned	0.20	Ψ505.00	Ψ77.00
8/21/13	ATR	next steps.	0.10	\$315.00	\$31.50
5, 21, 10		Confer with Attorney Greenwood regarding next steps and		+2 -2.00	72-100
9/24/13	ATR	activity prior to settlement conference.	0.30	\$315.00	\$94.50
		Telephone conference with Mrs. Beck on status and settlement			
10/10/13	CHG	position. Prepare e-mail to Attorney Reilly concerning same.	0.15	\$385.00	\$57.75
		Confer with Attorney Reilly on need to prepare spreadsheet			
10/14/13	CHG	analysis for use at judicial settlement conference.	0.70	\$385.00	\$269.50
		Interoffice conference with Attorneys Reilly and Greenwood			
10/15/13	AAW	regarding valuation issues.	0.20	\$190.00	\$38.00

Page 4 – DECLARATAION OF DANIEL E. THENELL IN SUPPORT OF DEFENDANT'S RESPONSE IN OPPOSITION TO PLAINTIFF'S MOTION FOR ATTORNEY FEES AND COSTS

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Date	Timekeeper	Description	Hours	Rate	Amount
		Review e-mail received from Attorney Reilly and confer with			
10/16/13	AAW	Attorney Greenwood regarding spreadsheet of values needed.	0.50	\$190.00	\$95.00
		Schedule telephone conference to discuss settlement process and			
10/16/13	CHG	values. Confer with Attorney Reilly on spreadsheet.	0.40	\$385.00	\$154.00
		Confer with Attorney Reilly on preparation for conference,			
10/21/13	CHG	particularly his view of proposal outlined in Friday's letter.	0.90	\$385.00	\$346.50
		Review prior research on like kind and quality. Provide same to			
10/22/13	AAW	Attorney Reilly for use at judicial settlement conference.	0.20	\$190.00	\$38.00
		Confer with Attorney Reilly on letter to judicial settlement			
		conference judge. Telephone conference with Mrs. Beck on			
10/24/13	CHG	status.	1.30	\$385.00	\$500.50
		Review e-mails from Attorney Greenwood regarding upcoming			
10/25/13	ATR	mediation and issues to address prior to same.	0.40	\$315.00	
		Confer with Attorney Greenwood regarding settlement strategy			
10/28/13	ATR	and plans for presenting case at upcoming settlement conference.	0.50	\$315.00	
		Confer with Attorney Reilly on need to outline next steps with	0.00	70.000	
10/30/13	CHG	timelines for Mrs. Beck.	0.30	\$385.00	
20,20,10		Review prior court order regarding scheduling matters, and		7222.00	
11/7/13	ATR	confer with Attorney Greenwood regarding same.	0.50	\$315.00	
		Check status. Confirm Attorney Reilly did not receive response	5.20	7212.00	
11/8/13	CHG	from Attorney Thenell. Prepare e-mail to Mrs. Beck on same.	0.15	\$385.00	
11/6/13	CHO	Continue to review Beck file. Meetings with Attorneys	0.13	Ψ303.00	
		Greenwood and Reilly to discuss case facts and procedural			
1/17/14	MES	posture.	2.40	\$290.00	\$696.00
1/1//14	WIES	Interoffice conference with Attorney Greenwood to discuss case	2.40	\$270.00	φ0/0.00
		strategy and items to discuss with Mrs. Beck during our meeting			
1/22/14	MES	with her on Friday.	0.20	\$290.00	\$58.00
1/22/14	WILD	Review file and provide important documents to Attorney	0.20	\$270.00	ψ36.00
		Schroeder for review. Confer with Attorney Schroeder regarding			
1/29/14	ATR	strategy going forward.	0.30	\$325.00	\$97.50
1/2//14	AIK	Review and revise Notice of Substitution of Counsel for filing	0.50	\$525.00	Ψ/1.50
		with the court. Forward same to Attorney Reilly for his review			
		and comment. Review e-mail from Attorney Reilly approving			
		same. Instruct Legal Assistant Abbott to electronically file same			
2/14/14	MES	with the court.	0.30	\$290.00	\$87.00
2/14/14	WILD	Begin reviewing draft responses to Defendant's First	0.50	Ψ270.00	φ07.00
		Interrogatories and Requests for Production. Confer with			
2/14/14	ATR	Attorney Schroeder regarding same.	0.90	\$325.00	\$292.50
<i>⊒</i> / 1 T/ 1 T	21110	Review and revise responses to MetLife's discovery requests to	0.70	Ψ525.00	Ψ 2 ,2.30
		incorporate Mrs. Beck's feedback and Attorney Reilly's			
2/18/14	MES	suggested edits. Finalize same for service on Attorney Thenell.	2.45	\$290.00	\$710.50
2/15/17	1,110	Review voicemail message from Attorney Curtis concerning	2.73	Ψ270.00	Ψ/10.50
		subpoena for Mr. Shook's file and deposition and inspection			
		dates. Review subpoena. Interoffice conference with Attorney			
		Reilly to discuss same. Telephone conference with Mr. Shook to			
3/11/14	MES	discuss subpoena.	0.80	\$290.00	\$232.00
5,11,17	.,,,,,,	Confer with Attorney Schroeder regarding various strategy and	3.00	Ψ=20.00	\$252.00
3/24/14	ATR	discovery matters.	0.90	\$325.00	\$292.50
3/ 2 1/ 1 T	21110	Legal research concerning discovery issues. Interoffice	0.70	Ψ525.00	Ψ 2 ,2.30
		conference with Attorney Schroeder to discuss legal research			
3/20/14	MDC	results.	0.90	\$180.00	\$162.00
3/20/14	MIDC	Interoffice conference with Attorney Greenwood to discuss next	0.70	ψ100.00	Ψ102.00
4/4/14	MES	steps and case strategy.	0.45	\$290.00	\$130.50
4/4/14	MES	Draft motion to quash subpoena and memorandum and	0.43	φ <i>Δ</i> 2 0.00	φ150.50
		declaration of Attorney Greenwood in support. Forward same to			
		Attorneys Greenwood and Reilly for review and comment. E-			
		mail to Attorney Thenell concerning objection to Attorney			
4/14/14	MES	Greenwood's deposition subpoena.	2.10	\$290.00	
4/14/14	MES	отесимова в перовиной вивросии.	2.10	\$490.00	

Page 5 – DECLARATAION OF DANIEL E. THENELL IN SUPPORT OF DEFENDANT'S RESPONSE IN OPPOSITION TO PLAINTIFF'S MOTION FOR ATTORNEY FEES AND COSTS

Interoffice conference with Attorney Relily to discuss the scope and application of Fed. R. Civ. P. 260(4)(40) to the Back family depositions. E-mail to Attorney Thenell advising him that we will object to and instruct the Beck family not to answer any questions relating to Mr. Shook pursuant to this rule.	Date	Timekeeper	Description	Hours	Rate	Amount
and application of Fed. R. Civ. P. 26(b)(4)(D) to the Beck family depositions. E-mail to Attorney Therell advising him that we will object to and instruct the Beck family not to answer any questions relating to Mr. Shook pursuant to this rule. Review voicemails from Attorney Schroeder related to research to tasks with regard to motion to quash subpoena issued to non-testifying expert. Praft summary and analysis of Gerke case cited by opposing control of additional documents requested from Attorney Problem 1. E-mail same to Mrs. Beck. Instruct Attorney Colley to eview same and confirm whether any of the additional documents requested the Attorney Colley to eview same and confirm whether any of the additional documents requested by Attorney Therell were previously included in defendants prior document requests. E-mail to Attorney Schroeder regarding initial recommendations for challenging defendants request for financial records and estate planning documents. Confer with Attorney Schroeder on strategy for arguments in motion for partial summary judgment on claim for attorney fees under ORS 742.061. MDC Service World Mistrict court rules governing deadline to file reply brief. Review document subpoena issued to Mrs. Figgert, Chet Skov with Parmers, Inc., and Pacific Development and Restoration. Review and respond to e-mail from Mrs. Skot. Review document subpoena issued to Mrs. Figgert, Chet Skov with Parmers, Inc., and Pacific Development and Restoration. Review and respond to subpoena to Mrs. Skov. Interoffice conference with Attorney Schroeder in support of reply brief. S/12/14 MES Attorney Therell's office with the subpoena to Mrs. Skov was issued in error. Review Amended Notice of Subpoena received from Attorney Therell's office with the subpoena to Mrs. Skov. Interoffice conference with Attorney Colley to discuss Attorney Curits claim that the notice of subpoena to Mrs. Skov deleted. Review multiple scopes and e-mails received in the spring of 2012 for evidence of Mrs. Bride scopes. E-mail to Atto						
depositions. E-mail to Attorney Thenell advising him that we will object to and instruct the Beck Family no to answer any questions relating to Mr. Shook pursuant to this rule. Review voicemails from Attorney Schroeder related to research tasks with regard to motion to quash subpoena issued to non-tasks with regard to motion to quash subpoena issued to non-tasks with regard to motion to quash subpoena issued to non-tasks with regard to motion to quash subpoena issued to non-tasks with regard to motion to quash subpoena issued to non-tasks with regard to motion to quash subpoena issued to non-tasks with regard to motion to quash subpoena issued to non-tasks with regard to motion to quash subpoena issued to non-tasks with regard to motion to quash subpoena issued to non-tasks with regard to motion to quash subpoena issued to non-tasks with regard to motion to quash subpoena issued to non-task with review of the death of the deat						
MIS			depositions. E-mail to Attorney Thenell advising him that we			
Review voicemails from Attorney Schroeder related to research tasks with regard to motion to quash subpoen issued to non-testifying expert. 0.20 \$180.00 \$36.00			will object to and instruct the Beck family not to answer any			
tasks with regard to motion to quash subpoena issued to non- tasks with regard to motion to quash subpoena issued to non- tasks with regard to motion to quash subpoena issued to non- tasks with regard to motion to quash subpoena issued to non- tasks with regard to motion to quash subpoena issued to non- tasks with regard to motion to quash subpoena to Mr. Skov. tasks with regard to motion to quash subpoena to Mr. Skov. tasks with regard to motion to quash subpoena to Mr. Skov. tasks with regard to motion to quash subpoena to Mr. Skov. tasks with regard to motion to quash subpoena to Mr. Skov. tasks with regard to motion to quash subpoena to Mr. Skov. tasks with regard to motion to quash subpoena to Q.20 \$180.00 \$171.00 tasks with regard to motion to quash subpoena to get with the motion of motion of motion of motion and comment with the motion of motion of properties of the motion of	4/15/14	MES		0.15	\$290.00	\$43.50
4/16/14 MDC			Review voicemails from Attorney Schroeder related to research			
Draft summary and analysis of Gerke case cited by opposing counsel. Forward same to Attorney Schroeder for her review. 0.95 \$180.00 \$171.00			tasks with regard to motion to quash subpoena issued to non-			
MDC	4/16/14	MDC		0.20	\$180.00	\$36.00
Review notes of Mrs. Beck's deposition and assemble list of additional documents requested from Attorney Thenell. E-mail same to Mrs. Beck. Instruct Attorney Colley to review same and confirm whether any of the additional documents requested by Attorney Thenell were previously included in defendant's prior document requests. 4/17/14 MES						
additional documents requested from Attorney Thenell. E- mail same to Mrs. Reck. Instruct Attorney Colley to review same and confirm whether any of the additional documents requested by Attorney Thenell were previously included in defendant's prior document requestes. E-mail to Attorney Schroeder regarding initial recommendations for challenging defendant's request for financial records and estate planning documents. Confer with Attorney Schroeder on strategy for arguments in motion for partial summary judgment on claim for attorney fees under ORS '742.061. Review local district court rules governing deadline to file reply brief. F-mail to Attorney Schroeder concerning same. MDC Draft declaration of Attorney Schroeder concerning same. Sylvant declaration of Attorney Schroeder on Support of reply brief. Forward same to Attorney Schroeder for review and comment. Review document subpoena issued to Mr. Eggert, Chet Skov with Partners, Inc., and Pacific Development and Restoration. Review and respond to e-mail from Mr. Eggert concerning same. Instruct Attorney Colley to contact Attorney Thenell's office concerning objection to subpoena to Mr. Skov. Interoffice conference with Attorney Colley to discuss Attorney Curtis' claim that the notice of subpoena to Mr. Skov with remained in error. Review Amended Notice of Subpoena received from Attorney Thenell's office concerning objection to subpoena to Mr. Skov deleted. Review multiple scopes and e-mails received in the spring of 2012 for evidence of McBride construction's relationship with MetLife and details of original and revised McBride scopes. E-mail to Attorney Schroeder regarding findings and issues. Confer with Attorney Schroeder regarding findings and issues. Confer with Attorney Schroeder regarding findings and issues. Review responses to Defendant's Second Request for Production and confer with Attorney Schroeder on objections to document requests and during Mrs. Beck's deposition. Review Correspondence of Attorney Greenwood and Reilly with oppo	4/16/14	MDC		0.95	\$180.00	\$171.00
same to Mrs. Beck. Instruct Attorney Colley to review same and confirm whether any of the additional documents requested by Attorney Thenell were previously included in defendant's prior document requests. E-mail to Attorney Schroeder regarding initial recommendations for challenging defendant's request for financial records and estate planning documents. Confer with Attorney Schroeder on strategy for arguments in motion for partial summary judgment on claim for attorney fees under ORS 742.061. MDC state planning documents. Confer with Attorney Schroeder on strategy for arguments in motion for partial summary judgment on claim for attorney fees under ORS 742.061. Review local district court rules governing deadline to file reply in the fee to a content of the fees of the						
Confirm whether any of the additional documents requested by Attorney Thenell were previously included in defendant's prior document requests.						
Attorney Thenell were previously included in defendant's prior document requests. E-mail to Attorney Schroeder regarding initial recommendations for challenging defendant's request for financial records and estate planning documents. 0.20 \$180.00 \$36.00						
4/17/14 MES						
F-mail to Attorney Schroeder regarding initial recommendations for challenging defendant's request for financial records and estate planning documents. 0.20 \$180.00 \$36.00						
for challenging defendant's request for financial records and estate planning documents.	4/17/14	MES		0.25	\$290.00	\$72.50
A						
Confer with Attorney Schroeder on strategy for arguments in motion for partial summary judgment on claim for attorney fees under ORS 742.061.	.,					
motion for partial summary judgment on claim for attorney fees under ORS 742.061. ##29/14 MDC Review local district court rules governing deadline to file reply brief. E-mail to Attorney Schroeder concerning same. Draft declaration of Attorney Schroeder in support of reply brief. Forward same to Attorney Schroeder for review and comment.	4/18/14	MDC		0.20	\$180.00	\$36.00
A/24/14 MDC under ORS 742.061 Review local district court rules governing deadline to file reply brief. E-mail to Attorney Schroeder concerning same. 0.30 \$180.00 \$54.00						
Review local district court rules governing deadline to file reply brief. E-mail to Attorney Schroeder concerning same. 0.30 \$180.00 \$54.00	1/2:11:1	165.5		0.50	#100 00	#2 < 22
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Draft declaration of Attorney Schroeder in support of reply brief. Forward same to Attorney Schroeder for review and comment. 0.55 \$180.00 \$99.00				0.00	***	** * * * * * * * * * * * * * * * * * *
S/12/14 MDC Forward same to Attorney Schroeder for review and comment. Review document subpoena issued to Mr. Eggert, Chet Skov with Partners, Inc., and Pacific Development and Restoration. Review and respond to e-mail from Mr. Eggert concerning same. Instruct Attorney Colley to contact Attorney Thenell's office concerning objection to subpoena to Mr. Skov. Interoffice conference with Attorney Colley to discuss Attorney Curtis' claim that the notice of subpoena to Mr. Skov was issued in error. Review Amended Notice of Subpoena received from Attorney Thenell's office with the subpoena to Mr. Skov was issued in error. Review Amended Notice of Subpoena received from Attorney Thenell's office with the subpoena to Mr. Skov deleted. 0.25 \$290.00 \$72.50	4/29/14	MDC		0.30	\$180.00	\$54.00
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Review Judge Acosta's Order granting both motions to quash. Forward same to Attorney Greenwood for review and comment	6/16/14	MDC	Attorney Schroeder on same.	0.75	\$180.00	\$135.00
Forward same to Attorney Greenwood for review and comment						
	6/16/14	MES		0.10	\$290.00	\$29.00

Page 6 – DECLARATAION OF DANIEL E. THENELL IN SUPPORT OF DEFENDANT'S RESPONSE IN OPPOSITION TO PLAINTIFF'S MOTION FOR ATTORNEY FEES AND COSTS

11652

Date	Timekeeper	Description	Hours	Rate	Amount
Date	Типскесрег	Instruct Attorney Colley to prepare letter to Judge Acosta	Hours	Nate	Amount
		enclosing the 3/2/2012 letter to Mr. Shook for <i>in camera</i> review.			
6/16/14	MES	Revise and final same.	0.10	\$290.00	\$29.00
		Review discovery deadlines and status. Interoffice conference			
6/19/14	MDC	with Attorney Schroeder to plan for further discovery.	0.20	\$180.00	\$36.00
		Review and final expert disclosure report. Instruct Legal			
		Assistant Rourke to electronically file same with the court on			
6/26/14	MES	Monday.	0.60	\$290.00	\$174.00
		Review and revise draft non-party subpoenas to Mr. Omundson,			
		Paul Davis Restoration, Mr. McCabe, McBride Construction			
		Resources, and Pacific Development & Restoration and notice of			
		same to Attorney Thenell. Instruct Attorney Colley to final and			
6/26/14	MES	serve tomorrow.	0.60	\$290.00	\$174.00
		Telephone conference with Attorney Schroeder to discuss			
		strategy for responding to the defendant's request to extend			
		discovery deadlines. Review e-mails between Attorney			
		Schroeder and defendant's attorney concerning same.			
6/27/14	MDC	Interoffice conference with Attorneys Merchant and Reilly to discuss same.	0.70	\$180.00	\$126.00
0/2//14	MIDC	Review federal and local notice requirements for non-party	0.70	φ100.00	φ120.00
		subpoenas. E-mail to Attorney Schroeder concerning same.			
		Interoffice conference with Attorney Reilly regarding subpoena			
6/27/14	MDC	targets.	0.80	\$180.00	\$144.00
0/2//11	IVID C	Review e-mails from Attorney Schroeder and Attorney	0.00	Ψ100.00	ψ111.00
		Greenwood regarding case status report to client. Interoffice			
		conference with Attorney Greenwood concerning documents to			
6/27/14	MDC	include with report.	0.30	\$180.00	\$54.00
		Review draft status update letter to Mrs. Beck. Confer with			·
6/27/14	CHG	Attorney Colley on attachments thereto.	0.75	\$395.00	\$296.25
		Review proposed expert disclosure report and verify that the			
		Eggert report attached thereto is the final report. Confer with			
6/30/14	ATR	Legal Assistant Abbott regarding same.	0.40	\$325.00	\$130.00
		Attend telephonic hearing on defendant's request to extend			
		current deadlines. Interoffice conference with Attorney			
		Merchant to discuss strategic timing of expert disclosure in light			
6/30/14	MDC	of court ruling before and after hearing.	0.80	\$180.00	\$144.00
		Draft memorandum to Attorney Schroeder summarizing hearing	0.00	****	444400
7/1/14	MDC	on defendant's request to extend discovery deadlines.	0.80	\$180.00	\$144.00
7/1/14	MDC	Exchange e-mails with Attorney Greenwood regarding possible	0.20	¢100.00	¢2< 00
7/1/14	MDC	additional responsive documents.	0.20	\$180.00	\$36.00
7/1/14	MDC	Review e-mail exchanges between Attorney Merchant and	0.10	¢190.00	¢19.00
7/1/14	MDC	opposing counsel regarding depositions in this matter. Draft declaration in support of motion for protective order.	0.10	\$180.00	\$18.00
		Forward motion and declaration to Attorney Merchant for review			
7/2/14	MDC	and comment.	0.80	\$180.00	\$144.00
7,2,17	1,120	Review and respond to e-mail from Attorney Schroeder	0.00	Ψ100.00	Ψ111.00
7/4/14	MDC	concerning deposition of Mr. Eggert.	0.20	\$180.00	\$36.00
		Interoffice conference with Attorney Greenwood concerning	30		, , , , , , ,
		status of discovery deadlines. E-mail to Attorney Greenwood			
7/7/14	MDC	identifying recent changes to same.	0.20	\$180.00	\$36.00
		Review recent filings and communications with opposing			
		counsel to evaluate case status and develop strategy for moving			
7/7/14	MDC	forward. E-mail to Attorney Schroeder concerning same.	1.45	\$180.00	\$261.00
		Review e-mail from Legal Assistant Abbott concerning			
		deposition scheduling. Review current discovery deadlines and			
		deposition schedule. Instruct Attorney Colley to contact			
		Attorney Thenell's office and cancel Mr. Eggert's scheduled			
		deposition on the ground that he is our testifying expert witness			
7/7/14	MES	and to schedule depositions of Mr. Lawson and Mr. Funk.	0.35	\$290.00	\$101.50

Page 7 – DECLARATAION OF DANIEL E. THENELL IN SUPPORT OF DEFENDANT'S RESPONSE IN OPPOSITION TO PLAINTIFF'S MOTION FOR ATTORNEY FEES AND COSTS

11652

Date	Timekeeper	Description	Hours	Rate	Amount
		Review and respond to e-mails from Judge Acosta's clerk and			
		Attorney Thenell concerning hearing date on motion for			
		protective order.			
		Review and respond to multiple e-mails from Attorney Schroeder			
7/0/14	MDG	regarding status of discovery depositions and potential motions	0.40	φ100 00	Φ72.00
7/8/14	MDC	from opposing counsel.	0.40	\$180.00	\$72.00
7/8/14	MDC	E-mail to Attorney Reilly concerning potential deponents.	0.10	\$180.00	\$18.00
		Review and respond to multiple e-mails from Attorney Schroeder			
5 /0 /1 /	1 m c	regarding preservation of evidence by nonparty contractors and	0.20	#100 00	#2 < 00
7/8/14	MDC	deposition scheduling.	0.20	\$180.00	\$36.00
7/0/14	MDG	Telephone conference with Attorney Schroeder discussing	0.20	φ100 00	Φ2.c.00
7/8/14	MDC	depositions in light of discovery deadlines.	0.20	\$180.00	\$36.00
7/8/14	MDC	E-mail to Attorney Schroeder providing discovery status update.	0.30	\$180.00	\$54.00
		Prepare case overview to aid in preparations for depositions and			
		hearings. Review prior hearing transcripts, motions, and			
7/10/14	MDC	correspondence to prepare for interoffice conference with	0.05	¢100.00	¢171.00
7/10/14	MDC	Attorney Schroeder concerning strategy for moving forward.	0.95	\$180.00	\$171.00
7/10/14	CHG	Conference with Attorney Schroeder on depreciation issue.	0.30	\$395.00	\$118.50
7/11/14	MEG	Interoffice conference with Attorney Colley to discuss strategy	0.95	\$200.00	\$246.50
7/11/14	MES	for upcoming depositions and hearing on protective order.	0.85	\$290.00	\$246.50
		Review and respond to voicemail message from Attorney Prause			
		concerning our subpoena to Pacific Development & Restoration,			
7/11/14	MES	LLC. Instruct Attorney Colley to confirm Mr. Mooreland's current whereabouts.	0.15	\$290.00	\$43.50
//11/14	MES	Interoffice conference with Attorney Schroeder in preparation for	0.13	\$290.00	\$43.30
		deposition of Mr. McCabe, as well as conferal on strategy for			
7/11/14	MDC	completion of discovery.	0.85	\$180.00	\$153.00
//11/14	WIDC	Review and respond to multiple e-mails from Attorney Schroeder	0.03	\$100.00	φ133.00
7/13/14	MDC	concerning strategy for deposition of Mr. McCabe.	0.30	\$180.00	\$54.00
7/13/14	WIDC	Several telephone calls to investigate potential depreciation	0.30	\$100.00	ψ54.00
		expert qualifications. E-mail to Attorneys Greenwood and			
7/14/14	MDC	Schroeder concerning same.	0.30	\$180.00	\$54.00
7/14/14	WIDC	Interoffice conference with Attorney Schroeder concerning	0.50	Ψ100.00	ψ54.00
7/14/14	MDC	discrepancies in defendant's repair estimate calculations.	0.40	\$180.00	\$72.00
7/11/11	MBC	Review defendant's response to our motion for protective order.	0.10	Ψ100.00	Ψ72.00
		Interoffice conference with Attorney Schroeder analyzing same			
7/15/14	MDC	and evaluating possible arguments for reply.	0.80	\$180.00	\$144.00
7,727.7		Review and revise draft reply brief in support of motion for	0.00	7 - 0 0 1 0 0	7-1110
		protective order and cases cited therein. Instruct Attorney Colley			
		to perform additional research for Oregon case law similar to the			
		facts in this case. Revise reply to incorporate same. Final and			
7/16/14	MES	file same with the court.	3.70	\$290.00	\$1,073.00
		Instruct Attorney Colley to draft objection to defendant's			
		expedited hearing request on its motion to amend. Revise and			
7/16/14	MES	final same for filing with the court.	0.30	\$290.00	\$87.00
7/17/14	MDC	E-mail to Attorney Schroeder concerning discovery issue.	0.20	\$180.00	\$36.00
		Complete legal research on applicability of FRE 408 protections			
		where third-parties are present during compromise negotiations.			
7/22/14	MDC	E-mail to Attorney Schroeder summarizing and analyzing same.	1.65	\$180.00	\$297.00
		Interoffice conference with Attorney Schroeder regarding status			
		of motion practice and preparation for depositions. Continue			
7/22/14	MDC	privilege review.	0.40	\$180.00	\$72.00
		Continue reviewing and revising response to motion to amend.			
		Forward revised draft to Attorney Merchant for review and			
7/23/14	MES	comment.	2.35	\$290.00	\$681.50
		Review e-mails and voicemail from Attorney Schroeder			
		concerning revisions and supplements to response to defendant's			
7/23/14	MDC	motion to amend.	0.40	\$180.00	\$72.00

Page 8 – DECLARATAION OF DANIEL E. THENELL IN SUPPORT OF DEFENDANT'S RESPONSE IN OPPOSITION TO PLAINTIFF'S MOTION FOR ATTORNEY FEES AND COSTS

Date	Timekeeper	Description	Hours	Rate	Amount
		Review file and computer for e-mails of interest to or from Mr.			
		Funk at MetLife and/or Attorney Thenell for use in opposition to			
		MetLife's motion to amend. Confer with Attorney Colley			
7/23/14	ATR	regarding declaration and related needs and issues.	0.90	\$330.00	\$297.00
T/20/14	1.650	Revise response brief to incorporate Attorney Merchant's	1.00	# 2 00.00	Φ 551 00
7/23/14	MES	suggested edits.	1.90	\$290.00	\$551.00
7/23/14	MDC	Evaluate additional documents from Attorney Reilly related to settlement negotiations with MetLife.	0.50	\$180.00	\$90.00
1/23/14	MDC	Telephone conference with Attorney Schroeder to discuss	0.50	\$100.00	\$90.00
7/23/14	MDC	depositions of Mrs. Beck's children.	0.20	\$180.00	\$36.00
7723711	IIID C	Exchange e-mails with Attorney Schroeder concerning	0.20	φ100.00	Ψ30.00
		deposition of Mr. Moreland, and depositions of MetLife			
		Adjusters Lawson and Funk. Interoffice conference with			
		Attorney Schroeder to plan next steps in discovery process and			
7/24/14	MDC	response to MetLife's motion for reconsideration.	0.50	\$180.00	\$90.00
		Background research on possible depreciation experts.			
7/24/14	TL	Summarize results for Attorney Colley.	0.80	\$140.00	\$112.00
		E-mail to Attorney Schroeder providing summary of options for	0.00	***	** * * * * * * * * * * * * * * * * * *
7/24/14	MDC	depreciation expert.	0.30	\$180.00	\$54.00
7/24/14	CHC	Confer with Attorney Schroder on additional depositions and	0.20	\$205.00	\$70.00
7/24/14	CHG	status. Instruct Attorney Colley to review MetLife's motion for	0.20	\$395.00	\$79.00
		reconsideration and request for expedited hearing and draft			
		objection to expedited hearing request. Review and revise draft			
		objection. Instruct Legal Assistant Rourke to final and			
7/24/14	MES	electronically file same with the court.	0.60	\$290.00	\$174.00
		Plan strategy for oral argument on MetLife's motion to amend.			
		Interoffice conference with Attorney Schroeder concerning same.			
		Prepare e-mail to Attorney Schroeder summarizing key points to			
7/29/14	MDC	raise during argument.	2.40	\$180.00	\$432.00
		Review Oregon-specific reference materials concerning actual,			
7/20/14	MDG	implied, and apparent authority. E-mail to Attorney Schroeder	0.10	φ100 00	Φ10.00
7/29/14	MDC	providing summary of same.	0.10	\$180.00	\$18.00
7/29/14	CHG	Review e-mail from Attorney Schroeder on status. Prepare detailed response to keep focus on defeating MetLife's motions.	0.40	\$395.00	\$158.00
1/29/14	СПО	Review correspondence between parties related to disputed repair	0.40	\$393.00	\$136.00
		estimates following meeting between Mr. Shook and Mr. Funk.			
7/29/14	MDC	E-mail to Attorney Schroeder summarizing findings.	0.60	\$180.00	\$108.00
		Telephone call to Mr. Moreland concerning his availability as			
		depreciation expert. E-mail to Attorney Schroeder with			
		recommendations regarding preliminary file review and possible			
7/30/14	MDC	retention.	0.60	\$180.00	\$108.00
		Review e-mails from counsel for MetLife concerning possible			
		motions to compel production of e-mails and further depositions			
7/20/14	MDC	of Mrs. Beck's children. Interoffice conference with Attorney	0.20	¢100.00	¢54.00
7/30/14	MDC	Schroeder to discuss same. Review e-mail from Attorney Colley with his analysis	0.30	\$180.00	\$54.00
		concerning Mrs. Beck's desire to clean up her fire-damaged			
		home. Interoffice conference with Attorney Merchant to discuss			
		same and ways to avoid additional possible new claims from			
7/30/14	MES	MetLife.	0.20	\$290.00	\$58.00
		Review correspondence from the court regarding hearing			
		schedule on MetLife's motion for reconsideration of discovery			
		ruling. Review and respond to e-mails from Attorney Schroeder			
7/31/14	MDC	concerning same.	0.35	\$180.00	\$63.00
		Review e-mail from Attorney Colley concerning his conversation			
7/01/14	MEG	with Mr. Moreland. Interoffice conference with Attorney Colley	0.20	# 2 00.00	ФО Т СС
7/31/14	MES	to identify scopes to provide to Mr. Moreland for his review.	0.30	\$290.00	\$87.00

 $Page\ 9-DECLARATAION\ OF\ DANIEL\ E.\ THENELL\ IN\ SUPPORT\ OF\ DEFENDANT'S\ RESPONSE\ IN\ OPPOSITION\ TO\ PLAINTIFF'S\ MOTION\ FOR\ ATTORNEY\ FEES\ AND\ COSTS$

Stitution CHG Listen to voicemail message from Mrs. Beck. Confer with Attorney Schroeder on status of matter. 0.60 \$395.00 \$237.0	Date	Timekeeper	Description	Hours	Rate	Amount
8/1/14 MDC same.						
Several e-mails with Attorney Schroeder on status of matter. 0.60 \$395.00 \$237.0			of jury trial demand. E-mail to Attorney Schroeder concerning			
St/1/4	8/1/14	MDC		0.30	\$180.00	\$54.00
Review and respond to e-mails from Attorney Schroeder concerning status of document production by MetLife's failure to produce additional documents as promised. Instruct Attorney Colley to contact Attorney Curlis to follow up concerning same and on MetLife's request for a protective order. 0.20 \$290.00 \$58.00	0.4.4.4	arra		0.10	## A A A A A A A	****
Several e-mails with Attorney Colley concerning MetLife's failure to produce additional documents as promised. Instruct Attorney Colley to contact Attorney Colley to contact Attorney Colley to contact Attorney Curtis to follow up concerning MetLife's request for a protective order.	8/1/14	CHG		0.60	\$395.00	\$237.00
Several e-mails with Attorney Colley concerning MetLife's failure to produce additional documents as promised. Instruct Attorney Colley to contact Attorney Curlis to follow up concerning same and on MetLife's request for a protective order. 0.20 \$290.00 \$58.00 Review Judge Acosta's ruling transcript. Prepare e-mail to 1.10 \$395.00 \$434.5 Instruction of Mr. Chem. Attorney Schroeder to aid preparation for Mr. Lawson's deposition. 0.65 \$180.00 \$117.0 Interoffice conferences with Attorney Schroeder to aid preparation for Mr. Lawson's deposition. 0.65 \$180.00 \$117.0 Interoffice conferences with Attorneys Merchant and Reilly to discuss strategies for upcoming deposition of Mr. Funk. 0.30 \$290.00 \$87.00 Review MetLife's motion to compel. Instruct Attorney Colley to review same and to draft response for my review. 0.30 \$290.00 \$87.00 Telephone call to Mr. Moreland to discuss questions for deposition of Mr. Funk. E-mail to Attorney Schroeder discussing same. 0.20 \$180.00 \$36.00 Interoffice conference with Attorney Schroeder discussing Schroeder's deposition of Mr. Funk. E-mail to Attorney Schroeder discussing Schroeder's deposition of Mr. Funk. E-mail to Attorney Schroeder's deposition of Mr. Funk. E-mail to Attorney Schroeder's deposition of Mr. Funk. E-mail to Attorney Schroeder discussing Schroeder's deposition of Mr. Funk. E-mail to Attorney Schroeder Concerning Same. 0.50 \$180.00 \$90.00 Interoffice conference with Attorney Greenwood concerning defendant's disclosures. 0.30 \$180.00 \$54.00 Interoffice conference with Attorney Colley to discuss topics and issues that Mr. Funk either had no knowledge of or on which he was not allowed to testify on MetLife's behalf. Instruct Attorney Colley to draft Rule 30(b)(6) subpoena to MetLife concerning same. 0.40 \$180.00 \$72.00 \$87	0/4/14	MDG		0.20	Φ100 00	#2 C 00
failure to produce additional documents as promised. Instruct Attorney Colley to contact Attorney Curtis to follow up concerning same and on MetLife's request for a protective order. Review Judge Acosta's ruling transcript. Prepare e-mail to Attorney Schroeder on same. Interoffice and telephone conferences with Attorney Schroeder to aid preparation for Mr. Lawson's deposition. Interoffice conferences with Attorneys Merchant and Reilly to discuss strategies for upcoming deposition of Mr. Funk. Review MetLife's motion to compel. Instruct Attorney Colley to review same and to draft response for my review. Telephone call to Mr. Moreland to discuss questions for deposition of Mr. Funk. E-mail to Attorney Schroeder discussing same. Legal research into elements of spoliation for Attorney Schroeder's deposition of Mr. Funk. E-mail to Attorney Schroeder concerning same. Interoffice conference with Attorney Greenwood concerning defendant's disclosures. Interoffice conference with Attorney Colley to discuss topics and issues that Mr. Funk either had no knowledge of or on which he was not allowed to testify on MetLife's behalf. Instruct Attorney Colley to draft Rule 30(b)(6) subpoena to MetLife concerning same. One of the Mr. Standard Rule Schroeder concerning same. Draft document subpoena to Mr. Gunsolley. E-mail to Attorney Schroeder concerning same. Telephone conference with Attorney Schroeder concerning possible spoliation of evidence by MetLife. NDC Draft document subpoena to Mr. Gunsolley. E-mail to Attorney Schroeder concerning same. Telephone conference with Attorney Schroeder concerning possible spoliation of evidence by MetLife. Telephone conference with Attorney Colley to discuss response to MetLife's motion to compel.	8/4/14	MDC		0.20	\$180.00	\$36.00
Attorney Colley to contact Attorney Curtis to follow up concerning same and on MetLife's request for a protective order. Review Judge Acosta's ruling transcript. Prepare e-mail to Attorney Schroeder on same. Interoffice and telephone conferences with Attorney Schroeder to aid preparation for Mr. Lawson's deposition. Interoffice conferences with Attorney Schroeder to aid preparation for Mr. Lawson's deposition. Interoffice conferences with Attorney Schroeder to discuss strategies for upcoming deposition of Mr. Funk. Review MetLife's motion to compel. Instruct Attorney Colley to review same and to draft response for my review. Review MetLife's motion to compel. Instruct Attorney Colley to review same and to draft response for my review. Review Same and to draft response for my review. Legal research into elements of spoliation for Attorney Schroeder discussing same. Legal research into elements of spoliation for Attorney Schroeder Schroeder's deposition of Mr. Funk. E-mail to Attorney Schroeder concerning same. Legal research into elements of spoliation for Attorney Schroeder concerning same. Schroeder concerning same. Interoffice conference with Attorney Greenwood concerning defendant's disclosures. Interoffice conference with Attorney Colley to discuss topics and issues that Mr. Funk either had no knowledge of or on which he was not allowed to testify on MetLife's behalf. Instruct Attorney Colley to draft Rule 30(b)(6) subpoena to MetLife concerning same. Schroeder concerning same. Draft document subpoena to Mr. Gunsolley. E-mail to Attorney Schroeder concerning same. Telephone conference with Attorney Schroeder concerning possible spoliation of evidence by MetLife. Telephone conference with Attorney Colley to discuss response to MetLife's motion to compel.						
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Review Judge Acosta's ruling transcript. Prepare e-mail to Attorney Schroeder on same. Interoffice and telephone conferences with Attorney Schroeder to aid preparation for Mr. Lawson's deposition. Interoffice conferences with Attorneys Merchant and Reilly to discuss strategies for upcoming deposition of Mr. Funk. Review MetLife's motion to compel. Instruct Attorney Colley to review same and to draft response for my review. Review MetLife's motion to compel. Instruct Attorney Colley to review same and to draft response for my review. Telephone call to Mr. Moreland to discuss questions for deposition of Mr. Funk. E-mail to Attorney Schroeder discussing same. Legal research into elements of spoliation for Attorney Schroeder's deposition of Mr. Funk. E-mail to Attorney Schroeder's deposition of Mr. Funk. E-mail to Attorney Schroeder's deposition of Mr. Funk. E-mail to Attorney Interoffice conference with Attorney Greenwood concerning defendant's disclosures. Interoffice conference with Attorney Colley to discuss topics and issues that Mr. Funk either had no knowledge of or on which he was not allowed to testify on MetLife's behalf. Instruct Attorney Colley to draft Rule 30(b)(6) subpoena to MetLife concerning 8/8/14 MES Draft document subpoena to Mr. Gunsolley. E-mail to Attorney Schroeder concerning same. O.40 \$180.00 \$72.00 \$8/8/14 MDC Schroeder concerning same. Telephone conference with Attorney Schroeder concerning Schroeder concerning same. Telephone conference with Attorney Schroeder concerning Note of the property of	8/4/14	MES		0.20	\$200.00	\$58.00
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Review MetLife's motion to compel. Instruct Attorney Colley to review same and to draft response for my review. 0.30 \$290.00 \$87.00	0/3/11	MBC		0.05	Ψ100.00	Ψ117.00
Review MetLife's motion to compel. Instruct Attorney Colley to review same and to draft response for my review. Telephone call to Mr. Moreland to discuss questions for deposition of Mr. Funk. E-mail to Attorney Schroeder discussing same. Legal research into elements of spoliation for Attorney Schroeder's deposition of Mr. Funk. E-mail to Attorney Schroeder's deposition of Mr. Funk. E-mail to Attorney Schroeder's deposition of Mr. Funk. E-mail to Attorney Schroeder's deposition of Mr. Funk. E-mail to Attorney Schroeder concerning same. Interoffice conference with Attorney Greenwood concerning defendant's disclosures. Interoffice conference with Attorney Colley to discuss topics and issues that Mr. Funk either had no knowledge of or on which he was not allowed to testify on MetLife's behalf. Instruct Attorney Colley to draft Rule 30(b)(6) subpoena to MetLife concerning same. 8/8/14 MES same. Draft document subpoena to Mr. Gunsolley. E-mail to Attorney Schroeder concerning same. 0.30 \$290.00 \$87.00 \$72.00 Telephone conference with Attorney Schroeder concerning possible spoliation of evidence by MetLife. Interoffice conference with Attorney Colley to discuss response Interoffice conference with Attorney Colley to discuss response to MetLife's motion to compel.	8/6/14	MES		0.30	\$290.00	\$87.00
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8/8/14 MDC defendant's disclosures. Interoffice conference with Attorney Colley to discuss topics and issues that Mr. Funk either had no knowledge of or on which he was not allowed to testify on MetLife's behalf. Instruct Attorney Colley to draft Rule 30(b)(6) subpoena to MetLife concerning same. 8/8/14 MES same. Draft document subpoena to Mr. Gunsolley. E-mail to Attorney Schroeder concerning same. Telephone conference with Attorney Schroeder concerning possible spoliation of evidence by MetLife. Interoffice conference with Attorney Colley to discuss response 8/11/14 MES to MetLife's motion to compel. 0.30 \$180.00 \$54.00 \$54.00 \$54.00 \$54.00 \$54.00 \$54.00 \$54.00 \$54.00 \$54.00 \$54.00 \$5	8/8/14	MDC		0.50	\$180.00	\$90.00
Interoffice conference with Attorney Colley to discuss topics and issues that Mr. Funk either had no knowledge of or on which he was not allowed to testify on MetLife's behalf. Instruct Attorney Colley to draft Rule 30(b)(6) subpoena to MetLife concerning same. Name						
issues that Mr. Funk either had no knowledge of or on which he was not allowed to testify on MetLife's behalf. Instruct Attorney Colley to draft Rule 30(b)(6) subpoena to MetLife concerning same. Name	8/8/14	MDC		0.30	\$180.00	\$54.00
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8/11/14 MES to MetLife's motion to compel. 0.30 \$290.00 \$87.00						-
	8/11/14	MES	to MetLife's motion to compel.	0.30	\$290.00	\$87.00
			Review and revise response to MetLife's motion for			
reconsideration. Interoffice conference with Attorney Merchant			reconsideration. Interoffice conference with Attorney Merchant			
	8/11/14	MES		2.70	\$290.00	\$783.00
Telephone conference with Attorney Schroeder concerning						
revisions and strategy for response to MetLife's motion to						
reconsider. Review and respond to multiple e-mails from	0/11/11	MEG		0.40	Φ100 00	ф до 00
	8/11/14	MDC		0.40	\$180.00	\$72.00
Interoffice conferences with Attorneys Schroeder and 8/13/14 MDC Greenwood to discuss response to motion to compel. 0.70 \$180.00 \$126.0	Q/12/14	MDC		0.70	\$190.00	\$126.00
	0/13/14	MDC		0.70	\$190.00	\$126.00
Review and respond to multiple e-mails from Attorney Schroeder concerning revisions to response to MetLife's motion to compel.						
	8/13/14	MDC		0.50	\$180.00	\$90.00
Review arguments regarding privilege issues and discuss with	0/13/17	MDC	Review arguments regarding privilege issues and discuss with	0.50	Ψ100.00	Ψ20.00
	8/13/14	MBM		0.40	\$375.00	\$150.00
Telephone conference with Mr. Eggert to discuss his expert	5. 15, 11			31.0	72,2.00	+-20.00
report. Interoffice conference with Attorney Schroeder						
	8/13/14	MDC		0.30	\$180.00	\$54.00

Page 10 – DECLARATAION OF DANIEL E. THENELL IN SUPPORT OF DEFENDANT'S RESPONSE IN OPPOSITION TO PLAINTIFF'S MOTION FOR ATTORNEY FEES AND COSTS 11652

Date	Timekeeper	Description	Hours	Rate	Amount
		Legal research into standard for party's motion to re-open			
		deposition of previously deposed third party. Interoffice			
		conferences with Attorneys Schroeder and Merchant to discuss			
8/13/14	MDC	same.	0.90	\$180.00	\$162.00
		Interoffice conference with Attorney Schroeder concerning			
		preparations for hearing on MetLife's motions and to discuss			
8/14/14	MDC	FRCP 30(b)(6) notice to MetLife.	0.50	\$180.00	\$90.00
		Review transcripts of the depositions of Mr. Funk and Mr.			
		Lawson to identify additional topics for Rule 30(b)(6) deposition			
		of MetLife's representative. Revise and final Rule 30(b)(6)			
0/14/14	MEC	deposition notice to incorporate same. Instruct Attorney Colley	1.00	¢200.00	\$464.00
8/14/14	MES	to final and serve same on MetLife.	1.60	\$290.00	\$464.00
		Review court docket and correspondence and pleadings to determine whether the parties have formally consented to			
		magistrate judge jurisdiction. E-mail to Attorney Schroeder			
8/15/14	MDC	concerning same.	0.30	\$180.00	\$54.00
0/13/14	MDC	Review e-mail from Attorney Thenell asking for the reason we	0.30	\$100.00	\$34.00
		need MetLife's estimates in .esx format. Legal research			
		concerning a party's obligation to produce documents requested			
		in the form in which it is ordinarily maintained.			
		Review scopes produced by MetLife and identify the specific			
		scopes that we need in Xactimate format. Draft response to			
		Attorney Thenell concerning same. Forward draft to Attorney			
		Merchant for review and comment. Revise and final e-mail to			
		Attorney Thenell. Several follow-up e-mails with Attorney			
8/19/14	MES	Thenell concerning same.	2.80	\$290.00	\$812.00
		Review and respond to e-mails from Attorney Schroeder and			
8/19/14	MDC	Attorney Merchant concerning discovery requests to MetLife.	0.20	\$180.00	\$36.00
		Conference with Attorney Schroeder regarding discovery dispute			
8/19/14	MBM	with Attorney Thenell.	0.30	\$375.00	\$112.50
		Review e-mails from Attorney Thenell concerning denial of			
		document requests. Interoffice conferences with Attorney			
8/19/14	MDC	Schroeder concerning same.	0.40	\$180.00	\$72.00
		Review e-mail from Mr. Moreland concerning the nature of			
		Xactimate and inconsistencies in MetLife's statements			
		concerning same. Review file of Mr. McCabe to ascertain			
		evidence of Xactimate file transfer to him from MetLife. E- mail			
		to Attorney Schroeder concerning potential motions to obtain			
8/21/14	MDC	withheld files.	0.75	\$180.00	\$135.00
		Review e-mails from Attorney Wheatley concerning case law on			
0/01/14	MDC	"like kind and quality" language in insurance contracts.	0.05	¢100.00	¢152.00
8/21/14	MDC	Review related cases from the US District for Oregon.	0.85	\$180.00	\$153.00
		Draft e-mail to Attorneys Thenell and Curtis following up on			
		document requests. Download and review Xactimate User's			
8/21/14	MES	Manual. Forward same to Attorneys Merchant and Colley for review and comment.	1.65	\$290.00	\$478.50
0/21/14	MIES	Review e-mail from Attorney Schroeder concerning demand to	1.05	φΔ70.00	ψ+70.30
		MetLife. Draft partial revision to same. Interoffice conference			
8/21/14	MDC	with Attorney Schroeder to confer on discovery strategy.	0.70	\$180.00	\$126.00
0/21/17	1.120	Review transcript from last Friday's hearing concerning today's	0.70	Ψ100.00	Ψ120.00
		deadline to decide whether or not Mr. Shook will testify at trial.			
		Draft letter to Attorney Thenell confirming he will not. Forward			
		draft to Attorney Greenwood for review and comment. Final and			
8/22/14	MES	send same to Attorney Thenell.	0.70	\$290.00	\$203.00
	-	Review e-mail from Attorney Thenell concerning deposition of			
		Mr. Nickle in Florida and refusing to state when MetLife			
		destroyed electronic information. Interoffice conferences with			
8/22/14	MES	Attorneys Merchant and Colley to discuss same.	0.85	\$290.00	\$246.50

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Date	Timekeeper	Description	Hours	Rate	Amount
		Review e-mail from Attorney Thenell concerning discovery and			
		organizational depositions. E-mail to Attorney Schroeder			
8/22/14	MDC	concerning same.	0.20	\$180.00	\$36.00
		Instruct Attorney Colley to review McBride's files and determine			
0.07.4.4	3.550	whether we received any electronic data from McBride, and if	0.40	****	
8/25/14	MES	not, to follow-up with McBride on this.	0.40	\$290.00	\$116.00
		Telephone call to Mr. Eggert to discuss labor and material cost			
9/26/14	MDC	variances and Xactimate files. E-mail to Attorney Schroeder	0.20	¢100.00	¢54.00
8/26/14	MDC	reporting on conversation.	0.30	\$180.00	\$54.00
9/26/14	MDC	E-mail to Attorney Schroeder concerning possible remedies for MetLife's failure to produce electronic information.	0.20	¢100.00	\$26.00
8/26/14	MDC	Review and respond to e-mail from Attorney Colley concerning	0.20	\$180.00	\$36.00
8/27/14	MES	his conversations yesterday with Mr. Eggert.	0.10	\$290.00	\$29.00
0/2//14	MES	Review and respond to e-mail from Attorney Colley concerning	0.10	\$290.00	\$29.00
8/27/14	MES	his review of McBride's file.	0.10	\$290.00	\$29.00
0/2//14	WILD	Review Mrs. Beck's insurance policy to determine if it limits date	0.10	Ψ270.00	Ψ27.00
		for determining material and labor costs. E-mails to Attorneys			
8/27/14	MDC	Schroeder and Reilly concerning same.	0.90	\$180.00	\$162.00
8/27/14	MBM	Conference with Attorney Colley regarding expert disclosures.	0.30	\$375.00	\$112.50
0,2,,,,,,		Review and respond to e-mails from Attorney Schroeder		70.000	7
		concerning conferral strategy on dispositive motions. Review			
8/28/14	MDC	local court rules governing requirements concerning same.	0.30	\$180.00	\$54.00
		Instruct Attorney Colley to contact Mr. Moreland to follow-up on			
8/29/14	MES	the status of his expert report.	0.10	\$290.00	\$29.00
		Review MetLife's expert disclosure report. Forward same to			
		Attorneys Greenwood and Colley and expert witnesses for			
		review and comment. Telephone conference with Mr. Moreland			
		and interoffice conferences with Attorneys Greenwood and			
8/29/14	MES	Colley to discuss same.	1.80	\$290.00	\$522.00
		Review voicemail from Xactware concerning subpoena.			
		Telephone call with Attorney Foglia at Xactware's parent			
6.64.4		company to discuss subpoena. E-mail to Attorney Schroeder		***	400.00
9/3/14	MDC	concerning same.	0.55	\$180.00	\$99.00
0/2/14	MEG	Consider issues relating to MetLife's planned testimony related to	0.20	¢200.00	¢07.00
9/3/14	MES	Mr. Shook. Instruct Attorney Colley to research same.	0.30	\$290.00	\$87.00
0/2/14	MDC	E-mail summary and analysis of legal research on expert testimony to Attorney Schroeder.	0.70	¢100.00	¢126.00
9/3/14	MDC		0.70	\$180.00	\$126.00
9/3/14	CHG	Review e-mail from Attorney Colley on Xactware production. E-mail to Attorney Schroeder concerning same.	0.40	\$395.00	\$158.00
9/3/14	СПО	Review and respond to e-mail from Attorney Colley forwarding	0.40	\$393.00	\$136.00
		e-mail from Attorney Foglia confirming Xactware will produce			
		electronic versions of .esx files in its possession relating to the			
		subpoena. Interoffice conference with Attorney Greenwood to			
9/4/14	MES	discuss same.	0.40	\$290.00	\$116.00
		Detailed review of MetLife's expert disclosure report. Interoffice	20	7=20.00	+5.00
		conference with Attorney Colley to discuss same and possible			
		strategies for dealing with inadmissible evidence contained			
9/4/14	MES	therein.	1.30	\$290.00	\$377.00
		Review e-mail from Attorney Schroeder concerning expert			
		reports. Confer with Attorney Schroeder on rebuttal reports and			
9/4/14	CHG	her discussion with Mr. Eggert.	0.70	\$395.00	\$276.50
		Review voicemail from Attorney Curtis for MetLife concerning			
		electronic file production. E-mail to Attorney Schroeder			
9/10/14	MDC	concerning same.	0.20	\$180.00	\$36.00
		Review spreadsheet of various scopes and indentify areas of			
		greatest differences and forward same to Attorney Colley for			
9/11/14	ATR	review.	0.70	\$330.00	\$231.00

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Date	Timekeeper	Description	Hours	Rate	Amount
		Re-review Mr. Eggert's rebuttal report. Interoffice conference			
9/15/14	MES	with Attorney Colley to discuss same.	0.25	\$290.00	\$72.50
		Telephone conference with Attorney Thenell's paralegal,			
		Paralegal Jensen, concerning Attorney Thenell's request for a			
		two-day extension of the deadline to exchange expert rebuttal			
		reports. Interoffice conference with Attorney Merchant to discuss same. Telephone conference with Paralegal Jensen to			
		confirm that Mrs. Beck will not object to the extension so long as			
		MetLife files a motion with the court for the extension. Follow-			
9/16/14	MES	up telephone conference with Attorney Nomie to discuss same.	0.30	\$290.00	\$87.00
2/10/11	WES	Review hearing transcripts and deposition testimony of Mr. Funk	0.50	Ψ290.00	φο7.00
		to assist in developing trial strategy. E-mail to Attorney			
9/16/14	MDC	Schroeder concerning same.	0.40	\$180.00	\$72.00
		Telephone calls with Messers. Moreland and Eggert to discuss			
		expert rebuttal reports. E-mail to Attorney Schroeder concerning			
9/16/14	MDC	same.	0.20	\$180.00	\$36.00
		Review Mr. Eggert's expert rebuttal report. E-mail to Attorney			
9/17/14	MDC	Schroeder concerning same.	0.35	\$180.00	\$63.00
		Review rebuttal report received from MetLife. Forward same to			
		Attorney Greenwood, Attorney Colley, and Mr. Moreland for			
		their review and comment. Instruct Attorney Colley to forward			
9/19/14	MES	same to Mr. Eggert for his review and comment.	0.35	\$290.00	\$101.50
		Telephone conference with Attorney Schroeder to discuss motion			
		for partial summary judgment. Review file materials to identify			
0/22/14	MDC	additional supporting exhibits for motion. E-mail to Attorney	0.60	¢100.00	¢100.00
9/23/14	MDC	Reilly concerning same. Multiple telephone calls to Attorney Curtis to confer on motion	0.60	\$180.00	\$108.00
		for partial summary judgment. E-mail to Attorney Schroeder			
		concerning same. E-mail to Attorney Curtis to advise of need for			
9/23/14	MDC	conferral.	0.40	\$180.00	\$72.00
7/23/14	WIDC	Review and respond to e-mail from Paralegal Jensen concerning	0.40	Ψ100.00	Ψ12.00
		proposed expert depositions on October 8, 2014. Voicemail			
		message for Mrs. Beck concerning her availability for expert			
		depositions on October 8 and 9, 2014 and telephone conferences			
		with Mr. Moreland and Mr. Eggert concerning their depositions			
		on October 8, 2014. E-mail to Paralegal Jensen and Attorney			
		Curtis proposing deposition of Mr. Omundson on October 9,			
9/24/14	MES	2014.	0.35	\$290.00	\$101.50
		Telephone conference with Attorney Schroeder to discuss			
9/24/14	MDC	strategic timing for remaining depositions.	0.10	\$180.00	\$18.00
		Telephone conference with Mrs. Beck to confirm her availability			
		on October 8 and 9. E-mail to Paralegal Jensen confirming Mr.			
0/25/14	MES	Moreland is available on the morning of October 8 and Mr.	0.10	\$200.00	\$20.00
9/25/14	MES	Eggert is available in the afternoon. Review and respond to e-mail from Paralegal Jensen agreeing to	0.10	\$290.00	\$29.00
		accept service of deposition notices for Mr. Eggert and Mr.			
		Moreland. Instruct Attorney Colley to prepare notice of			
		deposition of Mr. Omundson and subpoena duces tecum for the			
		production of his file. Review and analyze documents needed			
		from Mr. Omundson. Revise and final subpoenas for service on			
9/26/14	MES	Attorney Thenell's office.	1.20	\$290.00	\$348.00
		Draft summary of case law on Daubert challenges to expert			
		witness and identify lines of questioning for upcoming expert			
9/30/14	MDC	deposition. E-mail same to Attorney Schroeder.	1.15	\$180.00	\$207.00
		Review and respond to e-mail from Attorney Schroeder			
	_	concerning strategic use of possible prior publication by MetLife			.
10/8/14	MDC	expert witness.	0.20	\$180.00	\$36.00
10/0/3	100	Review invoices and narratives produced in expert file. Flag	0.40	ф100 cc	ф до 00
10/9/14	MDC	relevant passages for Attorney Schroeder.	0.40	\$180.00	\$72.00

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Date	Timekeeper	Description	Hours	Rate	Amount
		Review and respond to multiple e-mails from Attorney Schroeder			
10/9/14	MDC	concerning strategy for deposition of MetLife expert.	0.30	\$180.00	\$54.00
		Telephone conference with Attorney Schroeder to discuss			
		deposition of MetLife expert and use of same in support of			
10/9/14	MDC	motion for partial summary judgment strategy.	0.50	\$180.00	\$90.00
		E-mail to Attorney Schroeder identifying legal research needed			
10/17/14	MDC	for Reply brief and discussing strategy for same.	0.30	\$180.00	\$54.00
		Review and analyze authentication requirements for expert			
		reports supporting motions for summary judgment. E-mail to			
10/21/14	MDC	Attorney Schroeder concerning same.	0.60	\$180.00	\$108.00
		Review and analyze recent Oregon Court of Appeals decision			
		concerning award of attorney fees under ORS 742.061. E-mail to			
10/23/14	MDC	Attorney Schroeder concerning same.	0.40	\$180.00	\$72.00
		Review e-mail from Attorney Curtis asking for stipulation			
		concerning RCV. Review MetLife's Answer to attempt to			
		discern the reason behind the requested stipulation. Draft			
		response to Attorney Curtis refusing requested stipulation.			
10/06/14	1.650	Forward same to Attorneys Reilly, Greenwood, and Merchant for	0.00	# 2 00.00	Ф222 00
10/26/14	MES	review and comment.	0.80	\$290.00	\$232.00
		Review e-mail from Attorney Schroeder regarding Attorney			
		Thenell's request for stipulation on recovery of RCV. Review			
		file to find prior memo on issue at hand, and respond to e- mails			
10/26/14	A TED	from Attorney Schroeder regarding same and possible strategy	0.70	¢220.00	¢221.00
10/26/14	ATR	for responding to Attorney Thenell's request.	0.70	\$330.00	\$231.00
		Review recent Oregon Court of Appeals decision interpreting			
		replacement cost provisions in property insurance policies.			
		Compare language in subject policy in that case to language in Mrs. Beck's policy. E-mail to Attorney Schroeder analyzing			
10/27/14	MDC	same.	1.10	\$180.00	\$198.00
10/27/14	MDC	Review and respond to e-mail from Attorney Schroeder	1.10	\$100.00	\$190.00
		concerning possible MetLife motion for partial summary			
		judgment and potential cross-motion for summary judgment.			
		Interoffice conference with Attorney Schroeder to follow up on			
10/28/14	MDC	same.	0.40	\$180.00	\$72.00
10/20/11	IIID C	Review motion for partial summary judgment filed by MetLife.	0.10	Ψ100.00	Ψ72.00
		Instruct Attorney Colley to draft Combined Response and Cross-			
10/29/14	MES	Motion in response to same.	0.30	\$290.00	\$87.00
		Review MetLife's motion for partial summary judgment. Provide		7=20100	401100
10/29/14	MBM	comments to Attorney Schroeder concerning same.	0.25	\$375.00	\$93.75
		Review Attorney Schroeder's revisions to cross-motion for partial			
		summary judgment. E-mail to Attorney Schroeder providing			
10/30/14	MDC	commentary and revisions on same.	0.50	\$180.00	\$90.00
		Review and respond to e-mail from Attorney Schroeder			
		concerning MetLife's failure to file supporting exhibits along			
11/7/14	MDC	with its reply brief.	0.10	\$180.00	\$18.00
		Review e-mail from Attorney Schroeder on status of pending			
2/10/15	CHG	summary judgment motions.	0.25	\$405.00	\$101.25
		Review e-mail from Attorney Schroeder on status of pending			
		motions and timing of letter to court to follow-up on same.			
3/17/15	CHG	Prepare reply.	0.15	\$405.00	\$60.75
		Draft joint letter to Judge Acosta. Forward same to Attorney			
4/8/15	MES	Merchant for review and comment.	0.80	\$300.00	\$240.00
		E-mail to Attorney Greenwood concerning my telephone			
5/4/15	MES	conversation with Mrs. Beck last Friday.	0.10	\$300.00	\$30.00
		Telephone conference with Mrs. Beck on status. Also on			
		recommendation that she request status conference with Judge			
5/29/15	CHG	Acosta. Prepare follow up e-mail to Attorney Schroeder.	0.40	\$405.00	\$162.00

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Date	Timekeeper	Description	Hours	Rate	Amount
		Instruct Legal Assistant Abbott to calculate the number of days			
		that have passed since the under advisement date and since the			
		parties sent a letter to Judge Acosta. Review e-mail from Legal			
		Assistant Abbott concerning same. Begin drafting letter to Judge			
6/1/15	MES	Acosta to again follow-up on the pending motions.	0.25	\$300.00	\$75.00
		Telephone conference with Mrs. Beck concerning MetLife's			
		refusal to send a second joint letter to Judge Acosta. E-mail to			
6/10/15	MES	Attorney Greenwood concerning same.	0.30	\$300.00	\$90.00
		Review and respond to e-mail from Attorney Greenwood			
		concerning Mrs. Beck's request that we send a second letter to			
6/11/15	MES	Judge Acosta.	0.20	\$300.00	\$60.00
		Review decision on summary judgment and evaluate settlement			
7/7/15	MBM	options in preparation for conference with Attorney Schroeder.	0.75	\$375.00	\$281.25
7/27/15	MBM	Brief discussion with Attorney Schroeder regarding trial dates.	0.10	\$375.00	\$37.50
		Revise spreadsheet to incorporate Attorney Greenwood's			
		suggested edits. Forward same to Attorney Greenwood for			
8/21/15	MES	review and comment.	0.35	\$300.00	\$105.00
		Review e-mail from Attorney Curtis confirming Mr. Nickle will			
		be attending the mediation on behalf of Metropolitan. Forward			
8/24/15	MES	same to Attorney Greenwood.	0.10	\$300.00	\$30.00
		Revise and finalize letter to Mrs. Beck explaining status of case			
		and spreadsheet of numbers all in preparation for mediation.			
		Confer with Attorney Schroeder on spreadsheet. Study			
		spreadsheet. Determine comparison of current to January 2013			
		settlement offer is flawed. Prepare e-mail to Attorney Schroeder			
8/25/15	CHG	on need to correct analysis.	2.35	\$405.00	\$951.75
		Review and revise Attorney Greenwood's letter to Mrs. Beck			
		concerning her options in mediation. Interoffice conference with			
8/25/15	MES	Attorney Greenwood to discuss same.	0.45	\$300.00	\$135.00
		Review e-mail from Attorney Greenwood concerning error in			
8/25/15	MES	spreadsheet. Fix same and resend to Attorney Greenwood.	0.10	\$300.00	\$30.00
		Review and revise mediation statement. Forward same to			
8/26/15	MES	Attorney Merchant for review and comment.	2.55	\$300.00	\$765.00
		Review Attorney Merchant's suggested edits to mediation			
8/27/15	MES	statement. Revise mediation statement to incorporate same.	2.30	\$300.00	\$690.00
		Draft detailed response to Attorney Thenell's settlement offer.			
9/2/15	MES	Forward same to Attorney Greenwood for review and comment.	1.40	\$300.00	\$420.00
		Prepare detailed e-mail to Attorney Schroeder concerning legal			
9/9/15	MDC	research results on statute of limitations issue.	0.40	\$190.00	\$76.00
		Review e-mail from Attorney Greenwood concerning motions in			
		limine. Outline key evidentiary issues that need to be addressed			
		by the court. Interoffice conference with Attorney Colley to			
9/9/15	MES	discuss same.	1.25	\$300.00	\$375.00
		Draft response to Attorney Thenell to his request for Mrs. Beck's			
		consent to send a subpoena to her former insurance agent.			
9/11/15	MES	Forward same to Attorney Merchant for his review and comment.	0.65	\$300.00	\$195.00
		Review e-mail from Attorney Merchant approving draft response			
		to Attorney Thenell. Final and send same to Attorneys Thenell			
9/12/15	MES	and Curtis. Forward final e-mail to Mrs. Beck for her reference.	0.20	\$300.00	\$60.00
		Telephone conference with Mrs. Beck concerning MetLife's			
		Offer of Judgment. E-mail to Attorney Greenwood concerning			
9/25/15	MES	same.	0.25	\$300.00	\$75.00
		Review and respond to e-mail from Attorney Schroeder			
		concerning response to Offer of Judgment. Interoffice			
10/2/15	MDC	conference with Attorney Schroeder to discuss same.	0.20	\$190.00	\$38.00

Page 15 – DECLARATAION OF DANIEL E. THENELL IN SUPPORT OF DEFENDANT'S RESPONSE IN OPPOSITION TO PLAINTIFF'S MOTION FOR ATTORNEY FEES AND COSTS 11652

Date	Timekeeper	Description	Hours	Rate	Amount
		Instruct Attorney Colley to draft trial memo and voir dire			
		questions and to begin drafting motions in limine. Provide			
		Attorney Colley with an outline of arguments and issues for			
10/22/15	MES	same.	0.40	\$300.00	\$120.00
10/23/15	MBM	Conference with Attorney Schroeder regarding subpoena issue.	0.50	\$375.00	\$187.50
10/2-/1-		Review and revise jury instructions. Forward same to Attorney		**	*** *** ***
10/26/15	MES	Merchant for his review and comment.	1.15	\$300.00	\$345.00
10/27/15	MEC	Finalize jury instructions. Forward same to Attorney Merchant	1 75	\$200.00	¢525.00
10/27/15	MES	for review and comment. Draft additional issues section and conclusion in Trial Brief.	1.75	\$300.00	\$525.00
10/27/15	MDC	Forward same to Attorney Merchant for review and comment.	0.70	\$190.00	\$133.00
10/27/13	WIDC	Revise special verdict form. Forward same to Attorney Merchant	0.70	Ψ170.00	Ψ133.00
10/29/15	MES	for review and comment.	0.30	\$300.00	\$90.00
10/30/15	MBM	Discuss form of verdict with Attorney Schroeder.	0.50	\$375.00	\$187.50
10/30/13	1112111	Review and respond to e-mails from Attorney Schroeder	0.50	ψ373.00	Ψ107.50
		concerning Metropolitan's response to proposed pretrial			
11/2/15	MDC	documents.	0.40	\$190.00	\$76.00
		Work on jury instructions and objections. Telephone conference			
		with local attorney regarding admitted liability instruction.			
11/3/15	MBM	Advise Attorney Schroeder concerning same.	0.75	\$375.00	\$281.25
		Instruct Attorney Colley to follow-up with Mr. McCabe			
		concerning his planned testimony. Review e-mail from Mr.			
		McCabe instructing us to contact his lawyer, Emily Miller.			
		Telephone conference with Attorney Miller to discuss Mr.			
11/3/15	MES	McCabe's concerns and his planned trial testimony.	0.55	\$300.00	\$165.00
11/4/15	MDG	Telephone conference with Attorney Schroeder concerning issues	0.20	φ100 00	Φ .7. 00
11/4/15	MDC	related to Metropolitan's expert.	0.30	\$190.00	\$57.00
11/5/15	MES	Interoffice conference with Attorney Warren concerning her research with regard to Metropolitan's expert witness.	0.30	\$300.00	\$90.00
11/5/15	MES	Interoffice conference with Attorney Colley to discuss draft	0.30	\$300.00	\$90.00
		objections to defendant's pre-trial documents and motions in			
11/5/15	MES	limine.	0.25	\$300.00	\$75.00
11/5/15	THE	Review and respond to e-mails from Attorney Thenell	0.25	φ500.00	Ψ73.00
		concerning his request for a setover of the trial date. Several e			
		mails with Attorneys Merchant and Colley concerning same. E-			
		mail to Attorney Thenell confirming Mrs. Beck objects to			
		proposed setover. Review and respond to follow-up e-mails			
		concerning telephone conference scheduled for 2 pm tomorrow			
11/5/15	MES	to discuss Attorney Thenell's requested setover.	0.35	\$300.00	\$105.00
		Review e-mail from Judge Acosta conerning Metropolitan's set-			
		over request. Conduct legal research concerning Rule 16(f)			
11/6/17	MDC	sanctions. E-mail to Attorney Schroeder concerning same for	1 40	¢100.00	63 // 00
11/6/15	MDC	inclusion in Opposition to Motion to Continue Trial.	1.40	\$190.00	\$266.00
		Review Metropolitan's Motion to Reschedule Trial Date and declarations in support. Draft objections to same. Forward draft			
		objections to Attorney Merchant for review and comment.			
		Interoffice conference with Attorney Merchant to discuss same.			
		Revise draft objections to incorporate Attorney Merchant's			
		suggested edits. Instruct Legal Assistant Abbott to final and file			
11/6/15	MES	same with the court.	2.80	\$300.00	\$840.00
		Continue reviewing and revising Plaintiff's Objections to			
		Defendant's Witness Statements. Forward same to Attorney			
		Merchant for review and comment. Interoffice conference with			
		Attorney Merchant to discuss draft Objections to Defendant's			
		Witness Statements. Revise same to incorporate Attorney			
		Merchant's suggested edits. Instruct Legal Assistant Abbott to			
11/9/15	MES	final and file same with the court.	2.25	\$300.00	\$675.00

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Date	Timekeeper	Description	Hours	Rate	Amount
		Draft Plaintiff's Objections to Defendant's Deposition			
		Designations. Forward same to Attorney Merchant for review			
		and comment. Instruct Legal Assistant Abbott to final and file			
11/9/15	MES	same with the court.	0.55	\$300.00	\$165.00
		Legal research concerning subpoena power on non-party			
		witnesses and ability to compensate same for travel expenses. E-			
11/10/15	MDC	mail to Attorney Schroeder concerning same.	0.90	\$190.00	\$171.00
11/11/15	DMD	Research regarding authority of IRS publication of mileage rates.	0.20	#100 00	φ
11/11/15	BND	Forward research results to Attorney Schroeder.	0.30	\$180.00	\$54.00
		Review Attorney Colley's and Attorney Dirk's legal research			
		results with regard to the amount Mrs. Beck is legally required to			
		pay out-of-town trial witnesses. Additional legal research concerning same. Detailed e-mail to Attorney Miller concerning			
11/11/15	MES	same.	2.95	\$300.00	\$885.00
11/11/15	MDC	E-mail to Attorney Schroeder concerning upcoming filings.	0.20	\$190.00	\$38.00
11/14/13	MIDC	Review and revise Plaintiff's Reply to Objections to Exhibits.	0.20	\$170.00	\$36.00
		Forward revised draft to Attorney Merchant for review and			
11/15/15	MES	comment.	1.85	\$300.00	\$555.00
11/13/13	WILD	Review and revise Plaintiff's Reply to Objections to Witnesses.	1.05	φ300.00	Ψ333.00
		Forward revised draft to Attorney Merchant for review and			
11/15/15	MES	comment.	0.85	\$300.00	\$255.00
		Continue reviewing and revising Plaintiff's Objections to			
		Deposition Designations. Forward revised draft to Attorney			
11/16/15	MES	Merchant for review and comment.	0.85	\$300.00	\$255.00
		Continue reviewing and revising Plaintiff's Response to Motions			
		in Limine. Forward revised draft to Attorney Merchant for			
11/16/15	MES	review and comment.	3.15	\$300.00	\$945.00
		Instruct Attorney Colley to draft Plaintiff's Reply to Objections to			
		Special Damages. Review and revise same. Forward revised			
11/16/15	MES	draft to Attorney Merchant for review and comment.	2.55	\$300.00	\$765.00
		Revise Plaintiff's Reply to Objections to Witnesses to incorporate			
11/16/15	MES	Attorney Merchant's suggested edits. Instruct Legal Assistant	0.20	\$300.00	\$60.00
11/10/13	MES	Abbott to proofread and final same for filing with the court. Review multiple e-mails from Attorney Thenell concerning	0.20	\$300.00	\$00.00
		dispute over trial subpoena issued by Attorney Thenell to Ms.			
		Sailor and deposition of Mr. Nickle. E-mail to Attorney			
11/19/15	MDC	Schroeder concerning Mr. Nickle's deposition.	0.30	\$190.00	\$57.00
11/15/10	1,12 0	Telephone conference with Attorney Schroeder concerning Mr.	0.00	Ψ170.00	φε 7.00
11/30/15	MDC	Nickle's deposition and next steps for trial preparation.	0.20	\$190.00	\$38.00
		Draft objections to Defendant's Amended Trial Witness List. E-			
12/1/15	MDC	mail to Attorney Schroeder concerning same.	2.20	\$190.00	\$418.00
		Review draft of Objections to Defendant's Amended Trial			
		Witness List. E-mail to Attorney Schroeder with comments on			
12/2/15	MDC	same.	0.30	\$190.00	\$57.00
		Review and revise draft Objections to Defendant's Amended			
		Witness Statements. Instruct Legal Assistant Abbott to			
12/2/15	MES	electronically file same with the court.	0.70	\$300.00	\$210.00
		Draft e-mail to Attorney Thenell rejecting Metropolitan's			
		settlement offer and extending counter-settlement offer. Forward			
		same to Attorney Merchant for review and comment. Revise e-			
12/2/15	MEC	mail to incorporate Attorney Merchant's suggested edits and send	0.65	\$200.00	¢105.00
12/2/15	MES	to Attorney Thenell. Forward final e-mail to Mrs. Beck. Review proposed instruction to jury from Judge Acosta and e-	0.65	\$300.00	\$195.00
12/3/15	MDC	mail to Attorney Schroeder concerning same.	0.40	\$190.00	\$76.00
14/3/13	MIDC	Review and respond to e-mail from Attorney Miller to schedule	0.40	φ170.00	φ/0.00
		telephone conference with Mr. McCabe tomorrow afternoon to			
12/3/15	MES	discuss his planned testimony.	0.10	\$300.00	\$30.00
12,0,10			0.10	4200.00	Ψ20.00

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Date	Timekeeper	Description	Hours	Rate	Amount
		Draft e-mail to Judge Acosta concerning issue concerning Mr.			
		Nickle's testimony and Coverage A Plus. Forward same to			
		Attorney Merchant for review and comment. Review e-mail			
		from Attorney Merchant approving same. Final and send e- mail			
12/3/15	MES	to Judge Acosta with a copy to opposing counsel and Mr. Gale.	1.80	\$300.00	\$540.00
		Review and respond to e-mails from Attorney Merchant			
		concerning Metropolitan's counter-settlement offer and Mrs.			
12/3/15	MES	Beck's position.	0.15	\$300.00	\$45.00
		Draft response to Metropolitan's latest settlement offer. Forward			
		same to Attorney Colley and Attorney Merchant for review and			
12/3/15	MES	comment. Revise and send same to Attorney Thenell.	0.45	\$300.00	\$135.00
		Legal research for cases concerning court treatment of "Coverage			
		A Plus" or Guaranteed Replacement Cost policy provisions. E-			
12/4/15	MDC	mail to Attorney Schroeder concerning same.	1.80	\$190.00	\$342.00
		Review e-mail from Attorney Merchant with response to			•
		Attorney Thenell's objection to our new proposed jury			
		instruction. Draft supplement that includes Attorney Thenell's			
		objection. Forward same to Attorney Thenell for review and			
12/6/15	MES	comment.	0.25	\$300.00	\$75.00
		Review and revise draft opening statement and closing argument.	0.120	700000	4,5100
12/6/15	MDC	Forward same to Attorney Schroeder.	0.40	\$190.00	\$76.00
	3.52	Review and revise new jury instruction on other payments.	0110	4-2-0100	4.000
12/6/15	MES	Forward same to Attorney Merchant for review and comment.	0.15	\$300.00	\$45.00
12/0/13	WILD	Review multiple e-mails from Attorney Schroeder regarding	0.13	Ψ500.00	ψ15.00
12/8/15	MDC	necessary revisions to closing argument.	0.30	\$190.00	\$57.00
12/0/13	MDC	Review file materials to identify precise date Metropolitan was	0.50	Ψ170.00	ψ37.00
		first provided with Mr. Eggert's estimate and communicate same			
12/9/15	MDC	to Attorney Schroeder.	0.90	\$190.00	\$171.00
12/7/13	MDC	Legal research on ability of party to move to enlarge the time to	0.70	Ψ170.00	Ψ171.00
		file motion for attorney fees under FRCP 54(d) and procedures			
		and guidelines regarding same. Review District of Oregon local			
		rules on attorney fees and determine whether there are standing			
		orders concerning same. E-mail to Attorney Schroeder			
		concerning time and process for seeking extension to file motion			
12/10/15	MDC	for attorney fees.	1.10	\$190.00	\$209.00
12/10/13	MDC	Review witness statements and disclosure documents from Mr.	1.10	Ψ170.00	Ψ207.00
		Moreland to aid in response to objection regarding permitting.			
12/10/15	MDC	E-mails to Attorney Schroeder concerning same.	0.30	\$190.00	\$57.00
12/10/13	MDC	Respond to questions from Attorneys Schroeder and Colley	0.50	Ψ170.00	Ψ57.00
		regarding Metropolitan's trial tactics. Make recommendations			
12/10/15	MBM	regarding same.	1.50	\$375.00	\$562.50
12/10/13	WIDWI	Review and analyze post-verdict rules and procedures. Detailed	1.50	ψ373.00	\$302.30
12/10/15	MDC	e-mail to Attorney Schroeder concerning same.	0.60	\$100.00	\$114.00
12/10/15	MDC	Respond to inquiries from Attorney Schroeder regarding	0.60	\$190.00	\$114.00
12/11/15	MBM	checklist on receipt of verdict.	0.20	\$375.00	\$75.00
12/11/13	MIDIM		0.20	\$373.00	\$73.00
12/11/15	MDM	Receive notice of verdict and brief discussion with Attorney	0.10	\$275.00	\$27.50
12/11/15	MBM	Schroeder regarding same.	0.10	\$375.00	\$37.50
12/15/15	MEC	Draft Judgment. Forward same to Attorney Merchant for review	2.05	\$200.00	¢615 00
12/15/15	MES	and comment.	2.05	\$300.00	\$615.00
10/16/15	14014	Telephone conference with expert Attorney Farnell to discuss	0.20	#275 00	¢112.70
12/16/15	MBM	case.	0.30	\$375.00	\$112.50
		Telephone conference with Attorney Farnell to discuss case			
10/1=/15	1.550	status, procedural history, and documents needed for his review		# 2 00 00	# 40 # 00
12/17/15	MES	of the case.	1.35	\$300.00	\$405.00
		Draft e-mail to Attorneys Thenell and Curtis with Mrs. Beck's			
40/4000		settlement offer. Forward same to Attorney Merchant for his			
12/18/15	MES	review and comment.	0.40	\$300.00	\$120.00

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Date	Timekeeper	Description	Hours	Rate	Amount
		Review e-mail from Attorney Merchant approving draft e-mail			
		concerning Mrs. Beck's settlement offer. Final and send same to			
12/19/15	MES	Attorneys Thenell and Curtis.	0.10	\$300.00	\$30.00
		Legal research concerning ORS 20.075(2)(f) factor. E-mail to			
1/7/16	MDC	Attorney Schroeder concerning same.	0.40	\$210.00	\$84.00
	3.550	Continue reviewing file and assembling correspondence and		***	*= *0 00
1/13/16	MES	pleadings for Attorney Farnell's review.	2.40	\$320.00	\$768.00
1/14/16	MEG	Continue reviewing file and assembling documents for Attorney	1.05	ф 22 0.00	ф. 422 .00
1/14/16	MES	Farnell's review.	1.35	\$320.00	\$432.00
1/10/16	MES	Telephone conference with Attorney Farnell concerning entry of	0.20	\$220.00	\$06.00
1/19/16 1/20/16	MES	judgment last Friday and next steps.	0.30 5.90	\$320.00 \$320.00	\$96.00 \$1,888.00
1/20/10	MES	Continue assembling documents for Attorney Farnell's review. Continue reviewing file and assembling documents for Attorney	3.90	\$520.00	\$1,000.00
1/21/16	MES	Farnell's review.	2 95	\$220.00	\$012.00
1/21/16	MES	Continue assembling documents for Attorney Farnell's review.	2.85	\$320.00	\$912.00
1/22/16	MES	Flag key documents to use in support of attorney fee motion.	2.70	\$320.00	\$864.00
1/22/10	WILD	Review Attorney Merchant's and Attorney Reilly's suggested	2.70	Ψ320.00	φουτ.σο
		edits to attorney fee statement. Revise and final attorney fee			
1/26/16	MES	statement. E-mail same to Attorney Farnell for his review.	3.25	\$320.00	\$1,040.00
1/20/10	1,125	Assemble requested documents and provide same to Attorney	5.25	ΨΕ20.00	Ψ1,0.0.00
2/11/16	MES	Greene.	0.80	\$320.00	\$256.00
		Meeting with Mrs. Beck to review existing scopes and bids and			•
		to discuss options and plans for moving forward. Confer with			
1/30/12	ATR	Attorney Greenwood regarding same and strategy.	1.40	\$310.00	\$434.00
		Conference with Mrs. Beck and Attorney Reilly on claim status.			
1/30/12	CHG	Analyze and consider issues on how to proceed.	1.30	\$375.00	\$487.50
		Confer with Attorney Greenwood regarding status and adjusters.			
		E-mail and extended telephone conference with Mr. Shook			
2/14/12	ATR	regarding background, needs, and possible retention.	1.00	\$310.00	\$310.00
		Telephone conference with Mrs. Beck on insurance meeting.			
		Interoffice conference with Attorney Reilly to discuss same.			
2/24/12	GHG	Telephone conference with Mrs. Beck to confirm meeting on	1.00	#255 00	# 105 50
2/24/12	CHG	scope.	1.30	\$375.00	\$487.50
		Extended telephone conferences with Mr. Shook and Mrs. Beck regarding status of Mr. Shook's report and moving forward with			
6/13/12	ATR	settlement negotiations as soon as possible.	1.30	\$310.00	\$403.00
0/13/12	AIK	Confer with Attorney Reilly on status and plan to move to final	1.30	\$310.00	\$403.00
6/13/12	CHG	scope of repairs and settlement.	0.40	\$375.00	\$150.00
6/19/12	ATR	Review findings and analysis with Attorney Greenwood.	0.40	\$310.00	\$124.00
6/19/12	CHG	Review Attorney Reilly's e-mail on settlement options.	0.25	\$375.00	\$93.75
5,17,12	2110	Review status with Attorney Reilly and discuss steps to close out	5.25	\$2,2.00	4,0.10
6/19/12	CHG	scope of repair issues.	0.30	\$375.00	\$112.50
		Confer with Attorney Greenwood regarding same and			
6/25/12	ATR	communication with Mrs. Beck. Plan next steps.	0.30	\$310.00	\$93.00
		Review information on scope issues. Telephone conference with			
		Mrs. Beck to discuss same. Prepare e-mail to Attorney Reilly on			
6/25/12	CHG	same.	0.40	\$375.00	\$150.00
	·	Confer with Attorney Greenwood regarding planned further			
6/27/12	ATR	activity.	0.20	\$310.00	\$62.00
		Multiple conferences with Attorney Greenwood on means of	_		
		trying to bring scope and bid process to conclusion and possible			
		meeting with Mr. Shook. Telephone conference with Mr. Shook			
6/28/12	ATR	regarding same.	0.90	\$310.00	\$279.00
6/28/12	CHG	Confer with Attorney Reilly on scope checklist.	0.30	\$375.00	\$112.50
		Conferences with Attorney Greenwood regarding status and			
7/6/10	A TID	outcome of yesterday's meeting with Mr. Shook and planned	0.60	\$210.00	¢107.00
7/6/12	ATR	course for further action.	0.60	\$310.00	\$186.00

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Date	Timekeeper	Description	Hours	Rate	Amount
		Revise issues list regarding scope of repairs. E-mail same to Mr.			
		Shook and Mrs. Beck. Prepare follow up letter to Mrs. Beck			
5/6/10	CITC	concerning same. Confer with Attorney Reilly regarding	1.20	#255 00	#450.00
7/6/12	CHG	approach to use with insurance carrier.	1.20	\$375.00	\$450.00
9/29/12	A TD	Review policy and confer with Attorney Greenwood regarding	0.50	6210.00	¢155.00
8/28/12	ATR	code compliance and depreciation issues. Meeting with Mr. Funk at home site to introduce myself, to view	0.50	\$310.00	\$155.00
		damage, and set ground rules (that the rules applicable to			
		negotiation and settlement govern the next two days'			
		discussions). Two telephone conferences with Mr. Shook to			
8/28/12	CHG	update him. Confer with Attorney Reilly on same.	1.80	\$375.00	\$675.50
		Extended conference with Attorney Greenwood regarding			
8/30/12	ATR	outcome of meeting and site visit with Mr. Funk and Mr. Shook.	1.20	\$310.00	\$372.00
		Meeting with Attorney Greenwood and Mr. Shook regarding			
8/30/12	ATR	MetLife's position concerning same.	0.30	\$310.00	\$93.00
		Confer with Attorney Greenwood regarding status and planned			
9/18/12	ATR	next steps.	0.20	\$310.00	\$62.00
9/18/12	CHG	Review e-mail from Mr. Funk. Prepare response on status.	0.80	\$375.00	\$300.00
0/29/12	A TD	Extended conference with Attorney Greenwood regarding	0.70	\$210.00	\$217.00
9/28/12	ATR	discussion with Mr. Funk at MetLife and planned next steps. Review of letter from Mr. Funk. Prepare e-mail response to	0.70	\$310.00	\$217.00
		same. Telephone conference with Mr. Shook on same to set			
		conference on Tuesday. Telephone conference with Mrs. Beck			
9/28/12	CHG	to discuss Mr. Funk's letter.	1.70	\$375.00	\$637.50
)/ 20/ 12	CHC	Extended conference with Attorney Greenwood regarding	1.70	ψ373.00	ψ037.20
1/16/13	ATR	settlement posture.	0.20	\$315.00	
		Prepare edits and clarifications to draft letter to Mr. Funk			
		proposing settlement. Confer with Attorney Reilly on same.			
		Finalize edits and prepare e-mail to Mrs. Beck on same.			
1/16/13	CHG	Review e-mail from Mr. Funk on status. Prepare reply.	2.10	\$385.00	
		Confer with Attorney Greenwood regarding status and e-mail			
		exchanges with Mr. Funk and strategy going forward. Draft			
1/04/12	A TED	response e-mail to Mr. Funk for Attorney Greenwood's review	0.40	¢215.00	
1/24/13	ATR	and consideration.	0.40	\$315.00	
		Review e-mail from Mr. Funk requesting conference call for January 29 including client. Prepare e-mail reply requesting			
		purpose of call. Confer with Attorney Reilly on response.			
		Finalize e-mail and send. Prepare follow up e-mail to Mrs. Beck			
1/24/13	CHG	concerning same.	1.30	\$385.00	
	-	Finalize letter to Mrs. Beck concerning MetLife's rejection of her			
		offer to settle and Attorney Thenell's letter of February 4, 2013.			
		Confer with Attorney Reilly regarding same. Incorporate			
		Attorney Reilly's comments into letter of advice to Mrs. Beck.			
0/7/10	CHC	Finalize letter. Telephone conference with Mrs.	2.40	#207.00	
2/7/13	CHG	Beck to discuss same.	3.40	\$385.00	
		Interoffice conference with Attorney Greenwood regarding planned further activity in dealing with Attorney Thenell and			
2/11/13	ATR	possible filing of lawsuit against MetLife.	0.70	\$315.00	
4/11/13	1111	Telephone conference with Mrs. Beck to discuss next steps.	0.70	Ψ212.00	
		Prepare memorandum to file concerning same. Review statute			
		on recovery of attorney fees and costs. Confer with Attorney			
2/11/13	CHG	Reilly on cost to file Complaint and timing of same.	1.30	\$385.00	
		Interoffice conference with Attorney Greenwood to discuss case			
2/12/13	ATR	strategy and recommended response to Attorney Thenell's letter.	1.70	\$315.00	
		Review e-mail from Mr. Eggert and respond. Review status of			
2/12/13	CHG	case and consider how to respond to Attorney Thenell's letter.	1.60	\$385.00	
		Review and respond to e-mail from Attorney Greenwood			
2/13/13	ATR	regarding date of proof of loss.	0.70	\$315.00	

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Date	Timekeeper	Description	Hours	Rate	Amount
		Review letter from Attorney Thenell. Confer with Attorney			
2/13/13	CHG	Reilly on response to same. Draft response.	1.40	\$385.00	
		Review and revise draft letter from Attorney Greenwood to			
		Attorney Thenell. Confer with Attorney Greenwood regarding			
2/14/13	ATR	strategy and planned next steps.	2.05	\$315.00	
		Listen to voicemail message from Mrs. Beck. Telephone			
		conference with Mrs. Beck concerning next steps. Review and			
2/14/13	CHG	revise letter to Attorney Thenell.	3.60	\$385.00	
		Meet and confer with Attorney Greenwood to discuss case facts			
4/17/13	AAW	and legal research needed.	0.45	\$190.00	\$85.50
		Continue reviewing Mr. Eggert's report. Instruct Attorney			
		Wheatley to research depreciation and like kind and quality term			
4/17/13	CHG	used in the policy.	1.70	\$385.00	\$654.50
		Confer with Attorney Wheatley and Attorney Greenwood			
4/19/13	ATR	regarding findings and analysis.	0.40	\$315.00	\$126.00
		Review e-mail received from Attorney Greenwood regarding			
		Oregon law on insurance policies. Conduct additional legal			
4/19/13	AAW	research regarding like kind and quality policy language.	1.00	\$190.00	\$190.00
	2227	Draft memorandum of findings and e-mail to Attorney		4-7-010-0	7-2-0100
4/23/13	ATR	Greenwood regarding same.	2.30	\$315.00	\$724.50
., 20, 10	11111	Review e-mail from Attorney Greenwood with follow up	2.00	ΨΕ1Ε.00	Ψ,2σσ
		question on prior research results. Review and confirm prior			
4/23/13	AAW	research. E-mail to Attorney Greenwood concerning same.	1.80	\$190.00	\$342.00
4/23/13	AAW	Confer with Attorney Greenwood regarding strategy and needs	1.00	\$170.00	ψ342.00
4/30/13	ATR	going forward.	0.30	\$315.00	\$94.50
4/30/13	AIK	Revise demand letter to MetLife. Review Attorney Reilly's	0.30	\$313.00	\$34.30
		comments and insert his suggested edits into letter. Revise letter			
4/20/12	CHC	further to add costs demand. Telephone conference with Mrs.	1.00	¢295.00	¢<02.00
4/30/13	CHG	Beck to discuss and schedule meeting to review demand letter.	1.80	\$385.00	\$693.00
		Meeting with Mrs. Beck and Attorney Greenwood to discuss			
5/1/10	A JED	latest demand letter, strategy for pursuing settlement, and	2.20	#215 OO	ф 72.4 50
5/1/13	ATR	planned further activity.	2.30	\$315.00	\$724.50
		Review and respond to e-mails from Mr. Eggert regarding his			
		ACV calculations. Review and respond to e-mails from Attorney			
5/2/13	ATR	Greenwood regarding same.	2.70	\$315.00	\$850.50
		Review e-mail from Mr. Eggert on depreciation. Prepare			
		response. Review draft letter to edit demand to conform to Mr.			
		Eggert's position on depreciation. Confer with Attorney Reilly to			
		discuss Mr. Eggert's report and confirm same will be sent to			
5/2/13	CHG	MetLife.	1.60	\$385.00	\$616.00
		Confer with Attorney Reilly to request he call Attorney Thenell's			
5/14/13	CHG	paralegal on May 15 to confirm receipt of our May 13 e-mail.	0.15	\$385.00	\$57.75
		Review e-mail from Attorney Greenwood to Attorney Thenell			
		regarding Eggert's report and extension of time to respond to			
		demand. Confer with Attorney Greenwood regarding demands			
		in e-mail to Attorney Thenell and planned action in event of no			
5/14/13	ATR	satisfactory response.	0.60	\$315.00	\$189.00
		Draft e-mail to Attorney Greenwood regarding strategy going			
5/15/13	ATR	forward and recommended course of action.	0.60	\$315.00	\$189.00
		Confer with Attorney Reilly on his contact with Attorney			
		Thenell's paralegal. Review fax of letter from Attorney Thenell's			
		office. Prepare e-mail to Mrs. Beck forwarding Attorney			
5/15/13	CHG	Thenell's letter with our initial comments.	0.80	\$385.00	\$308.00
		Confer with Attorney Greenwood concerning draft Complaint			
5/20/13	ATR	and timing for filing of same.	0.40	\$315.00	\$126.00
		<u> </u>			,

Page 21 – DECLARATAION OF DANIEL E. THENELL IN SUPPORT OF DEFENDANT'S RESPONSE IN OPPOSITION TO PLAINTIFF'S MOTION FOR ATTORNEY FEES AND COSTS 11652

Date	Timekeeper	Description	Hours	Rate	Amount
	•	Listen to voicemail message from Mrs. Beck. Return call to Mrs.			
		Beck to discuss her concerns. Confer with Attorney Reilly on			
		preparing Complaint and need to consider and decide whether to			
5/20/13	CHG	proceed in federal or state court.	0.70	\$385.00	\$269.50
		Research options for suit against MetLife and consider pros and			
		cons of federal versus state court. Confer with Attorney			
5/21/13	ATR	Merchant regarding same.	1.40	\$315.00	\$441.00
		Confer with Attorney Reilly on Complaint. Telephone			
5/21/13	CHG	conference with Mrs. Beck on same.	0.30	\$385.00	\$115.50
5/22/13	ATR	Confer with Attorney Greenwood regarding same.	0.35	\$315.00	\$110.25
		Review e-mail from Attorney Reilly with attached Complaint.			
5/22/13	CHG	Prepare e-mail forwarding same to Mrs. Beck for review.	0.40	\$385.00	\$154.00
		Confer with Attorney Reilly regarding status of federal case and			
		determine whether matter is ripe for default. Confer with			
		Paralegal Labrum regarding matter and need for default			
6/24/13	AAW	documents.	0.70	\$190.00	\$133.00
		Confer with Attorney Wheatley regarding need to prepare and			•
6/24/13	ATR	file Motion for Order of Default.	0.30	\$315.00	\$94.50
		Confer with Attorney Greenwood regarding strategy and planned			
		next steps. Review and respond to e-mail regarding case status			
7/10/13	ATR	and strategy going forward.	0.65	\$315.00	\$204.75
7/10/13	CHG	Review e-mails from Attorney Reilly concerning case status.	0.30	\$385.00	\$115.50
7,10,12	0110	Confer with Attorney Greenwood regarding status and plans for	0.00	ΨΕΘΕΙΘΟ	\$110.00
7/18/13	ATR	strategy for conference with Attorney Thenell.	0.20	\$315.00	\$63.00
7710713	71110	Confer with Attorney Reilly on Monday's telephone conference	0.20	ψ313.00	ψου.σο
7/18/13	CHG	with Attorney Thenell.	0.30	\$385.00	\$115.50
7/10/13	CHO	Confer with Attorney Greenwood regarding strategy for pursuing	0.50	Ψ303.00	Ψ113.30
9/18/13	ATR	settlement and expectations for same.	0.30	\$315.00	\$94.50
3/10/13	71110	Confer with Attorney Reilly on status conference and Attorney	0.50	ψ313.00	ψ> 1.50
		Thenell's request for judicial settlement conference versus			
9/18/13	CHG	mediation.	0.70	\$385.00	\$269.50
2/10/13	CHO	Confer with Attorney Greenwood regarding status and strategy	0.70	Ψ303.00	Ψ207.50
10/18/13	ATR	for approaching settlement conference.	1.20	\$315.00	\$378.00
10/10/13	ATIK	Review spreadsheet from Attorney Reilly. Confer with Attorney	1.20	Ψ313.00	Ψ370.00
		Reilly on same. Draft privileged and confidential letter to Mrs.			
		Beck on new spreadsheet and settlement range under insurance			
10/18/13	CHG	contract.	1.80	\$385.00	\$693.00
10/10/13	CHO	Participate in extended meeting with Mrs. Beck and Attorney	1.00	Ψ303.00	Ψ0/3.00
10/22/13	ATR	Greenwood.	1.60	\$315.00	\$504.00
10/22/13	AIK	Prepare for and conference with Mrs. Beck and Attorney Reilly	1.00	φ515.00	Ψυθ.ΗΟΟ
		to discuss and prepare Mrs. Beck for upcoming judicial			
10/22/13	CHG	settlement conference on October 29, 2013.	2.10	\$385.00	\$808.50
10/22/13	CHO	Review draft letter to Judge Haggerty. Provide Attorney Reilly	2.10	ψυσυ.υσ	ψουσισυ
10/25/13	CHG	with edits to same.	1.10	\$385.00	\$423.50
10/23/13	CHO	Revise letter to Judge Haggerty regarding mediation to	1.10	ψυσυ.υσ	ψτ43.30
		incorporate Attorney Greenwood's edits. Final same for delivery			
10/25/12	A TD		1.00	\$215.00	\$215.00
10/25/13	ATR	to Judge Haggerty. Meeting with Mrs. Beck together with Attorney Greenwood to	1.00	\$315.00	\$315.00
1/8/14	MES	discuss change in representation.	0.50	\$290.00	\$145.00
1/0/14	MES	Interoffice conference with Attorney Reilly to discuss and	0.50	φ <i>Δ</i> 2 0. 0 0	φ1 43.00
		identify next steps and anticipated cost of same. Detailed e-mail			
1/17/14	MEC		2.00	\$200.00	¢070.00
1/17/14	MES	to Attorney Greenwood concerning same.	3.00	\$290.00	\$870.00
		Extended conference with Attorney Schroeder regarding steps			
1/17/14	A TID	and budget for moving forward, strategy for bringing matter to	2.20	\$225.00	¢715 00
1/17/14	ATR	resolution, and planning activity relating to same.	2.20	\$325.00	\$715.00
1/04/14	MEC	Interoffice conference with Attorney Greenwood to discuss	0.40	¢200.00	¢117.00
1/24/14	MES	issues for discussion with Mrs. Beck.	0.40	\$290.00	\$116.00

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Date	Timekeeper	Description	Hours	Rate	Amount
		Prepare for meeting with client. Confer with Attorney			
1/24/14	CHG	Schroeder. Attend two-hour meeting. (2.5 hours - No Charge).	0.00	\$395.00	\$0.00
		Extended conference with Attorney Schroeder regarding strategy			
4/11/14	A TID	points and deposition issues, and possible motions to quash	0.70	¢225.00	
4/11/14	ATR	subpoenas issued to Attorney Greenwood and Mr. Shook.	0.70	\$325.00	
4/11/14	MES	Interoffice conference with Attorney Reilly to discuss issues for upcoming depositions.	0.40	\$290.00	
4/11/14	MES	Interoffice conference with Attorney Greenwood to discuss case	0.40	\$290.00	
4/11/14	MES	status and issues for upcoming depositions.	0.65	\$290.00	
7/11/17	WILD	Confer with Attorney Schroeder regarding discovery issues	0.03	Ψ270.00	
		relating to Mr. Shook and Attorney Greenwood's depositions and			
		related discovery, and strategy for responding to such discovery			
		requests. Research possible means of quashing subpoenas upon			
		Mr. Shook and Mr. Greenwood, and scope of trial preparation			
		materials privilege. Review and revise motion to quash and			
4/14/14	ATR	supporting materials.	1.85	\$325.00	
		Interoffice conferences with Attorneys Reilly and Greenwood to			
4/14/14	MES	discuss proposed motions to quash.	0.40	\$290.00	
		Review relevant FRCP provisions regarding expert discovery.			
		Review and analyze case law cited by opposing counsel on those			
4/16/14	MDC	provisions. Confer with client and Attorneys Greenwood and	1.20	¢100.00	¢216.00
4/16/14	MDC	Schroeder regarding applicability of attorney client privilege. Discuss research tasks related to anticipated motions in limine	1.20	\$180.00	\$216.00
		and motion for partial summary judgment with Attorney			
4/16/14	MDC	Schroeder.	0.50	\$180.00	\$90.00
7/10/14	MDC	Interoffice conference with Attorney Colley to discuss case facts	0.50	Ψ100.00	Ψ20.00
		and legal research needed for possible motions in limine and			
4/16/14	MES	motion for partial summary judgment.	0.50	\$290.00	\$145.00
		Draft summary and analysis of motions in limine research for			•
		Attorney Schroeder. Confer with Attorney Schroeder on strategy			
4/16/14	MDC	and timing for motions in limine.	0.80	\$180.00	\$144.00
		Confer with Attorney Schroeder on Attorney Thennell's assertion			
		that he can depose Mrs. Beck about discussions with her lawyer.			
		Advise Attorney Schroeder to oppose even if the federal judge			
		has to become involved. Confer with Mrs. Beck and Attorney			
4/16/14	CHG	Schroeder on outcome and cancellation of other depositions of	1.50	\$205.00	\$502.50
4/16/14	СПО	Mrs. Beck's children. Interoffice conference with Attorney Colley to discuss arguments	1.50	\$395.00	\$592.50
4/17/14	MES	for motions in limine and motion for protective order.	0.20	\$290.00	\$58.00
4/17/14	WILD	Confer with Attorney Colley regarding assignment to draft	0.20	\$270.00	φ36.00
		motions in limine and background necessary for same, and			
4/17/14	ATR	strategy for arguing certain points.	0.80	\$325.00	\$260.00
		Confer with Attorney Schroeder on arguments for reply briefs in			
4/29/14	MDC	support of motions to quash.	0.30	\$180.00	\$54.00
		Instruct Attorney Colley to review documents filed by Attorney			
		Thenell in response to our motions to quash. Interoffice			
4/29/14	MES	conference with Attorney Colley to discuss same.	0.30	\$290.00	\$87.00
		Interoffice conference with Attorney Colley to discuss draft			
5/12/14	MES	replies in support of motions to quash.	0.15	\$290.00	\$43.50
5/12/14	MDC	Confer with Attorney Schroeder on final strategy for reply briefs.	0.30	\$180.00	\$54.00
5/12/14	MDC	Confer with Attorney Schroeder on response to defendant's notice of subpoenas to non-parties.	0.20	\$190.00	\$26.00
5/13/14	MDC	Confer with Attorney Schroeder regarding recent events and	0.20	\$180.00	\$36.00
5/13/14	ATR	proposed motion for partial summary judgment.	0.40	\$325.00	\$130.00
3/13/14	MIK	Interoffice conference with Attorney Colley to discuss document	0.40	ΨυΔυ.00	Ψ150.00
5/29/14	MES	subpoenas needed. Instruct Attorney Colley to draft same.	0.30	\$290.00	\$87.00
		Interoffice conference with Attorney Schroeder to discuss targets	,		
5/29/14	MDC	for non-party subpoenas and current status of discovery.	0.30	\$180.00	\$54.00
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Page 23 – DECLARATAION OF DANIEL E. THENELL IN SUPPORT OF DEFENDANT'S RESPONSE IN OPPOSITION TO PLAINTIFF'S MOTION FOR ATTORNEY FEES AND COSTS 11652

Date	Timekeeper	Description	Hours	Rate	Amount
Butt	тиненеерег	Review e-mail from Attorney Thenell objecting to our refusal to	110415	Tutt	Timount
		stipulate to further delay of the discovery deadlines and Attorney			
		Thenell's e-mail to Judge Acosta's clerk requesting a telephone			
		conference to discuss same. E-mail to Judge Acosta's clerk			
		informing him that Attorney Merchant will be covering this			
		matter for me while I am out of the country on vacation. Several			
		e-mails to and follow-up telephone conference with Attorneys			
		Merchant and Colley to discuss strategy for opposition and			
		motion for protective order needed in response to MetLife's			
		subpoenas to Mrs. Beck's banks. Instruct Legal Assistant Rourke			
		to wait to file the expert disclosure report until after the new			
6/27/14	MES	discovery dates are established during the hearing on Monday.	0.85	\$290.00	\$246.50
0/2//14	WILD	Review and revise objection to request to extend discovery	0.03	Ψ270.00	Ψ2-10.30
6/27/14	ATR	deadlines. Confer with Attorney Colley regarding same.	0.60	\$325.00	\$195.00
0/2//14	AIK	Interoffice conference with Attorney Reilly regarding prior	0.00	\$323.00	\$193.00
6/27/14	MDC		0.20	¢100.00	\$54.00
6/27/14	MDC	communications concerning discovery.	0.30	\$180.00	\$54.00
6/20/14	MDC	Interoffice conference with Attorney Greenwood regarding status	0.20	\$190.00	\$26.00
6/30/14	MDC	of filings and motions.	0.20	\$180.00	\$36.00
		Short conference with Attorney Colley on Wells Fargo records			
		and MetLife's subpoena of same. Telephone conference with			
6/20/14	CHC	Mrs. Beck concerning same and planned motion for protective	0.20	#207.00	Φ 7 0.00
6/30/14	CHG	order.	0.20	\$395.00	\$79.00
		Interoffice conferences with Attorneys Reilly and Greenwood to			
		discuss additional documents that may be responsive to	0.50		444400
7/1/14	MDC	defendant's document requests.	0.70	\$180.00	\$126.00
		Review e-mail from Attorney Colley regarding Green Gables			
		estimate. Pull files and locate document. Provide Green Gables			
7/1/14	CHG	drawing and estimate to Attorney Colley.	1.30	\$395.00	\$513.50
		Review e-mail from Attorney Colley regarding Attorney			
		Thenell's discovery requests and search for additional estimates			
7/1/14	ATR	or any information on Green Gables and its estimate, if any.	0.80	\$330.00	\$264.00
		Interoffice conference with Attorney Merchant concerning timing			
7/1/14	MDC	of subpoenas to non-party contractors.	0.20	\$180.00	\$36.00
		Interoffice conference with Attorney Colley to discuss deposition			
7/8/14	MES	scheduling.	0.20	\$290.00	\$58.00
		Review e-mail from Attorney Colley regarding possible			
		witnesses to depose. Review e-mails and correspondence from			
		early in process to determine whether any possible witnesses			
7/8/14	ATR	were overlooked.	0.80	\$330.00	\$264.00
		Interoffice conference with Attorney Greenwood regarding			
		depreciation factor and prior settlement discussions with Adjuster			
7/9/14	MDC	Funk.	0.50	\$180.00	\$90.00
		Interoffice conference with Attorney Greenwood to discuss case			
7/10/14	MES	status and next steps.	0.15	\$290.00	\$43.50
		Interoffice conference with Attorney Schroeder to discuss			
7/14/14	MDC	strategy for depositions of defendant's adjusters.	0.40	\$180.00	\$72.00
		Several e-mails with Attorney Thenell concerning his			
		unavailability for the planned depositions of Mr. Funk and Mr.			
		Lawson. Instruct Attorney Colley to draft unopposed motion to			
		extend deposition deadline to allow these depositions to take			
7/14/14	MES	place the first week of August.	0.40	\$290.00	\$116.00
		Interoffice conference with Attorney Merchant and Attorney			-
		Colley to discuss possible motion for partial summary judgment			
7/14/14	MES	based on Mr. Lawson's January 11, 2012 scope.	0.40	\$290.00	\$116.00
	_~	Conference with Attorney Schroeder to discuss evidence			
7/14/14	MBM	supporting breach.	0.20	\$375.00	\$75.00
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Date	Timekeeper	Description	Hours	Rate	Amount
		Review defendant's motion to amend. Forward same to Attorney			
		Colley and instruct him to review same and begin researching			
		cases in opposition to MetLife's motion.			
7/16/14	MES	Interoffice conference with Attorney Colley to discuss same.	0.30	\$290.00	\$87.00
		Interoffice conference with Attorney Schroeder concerning			
		additional legal research needed for hearing on motion for			
_,,,,,,		protective order. Legal research on cases where an insurance	0.00	* 400.00	
7/16/14	MDC	company sought the private financial information of an insured.	0.80	\$180.00	\$144.00
		Review MetLife's motion for leave to amend Answer and			
		affirmative defenses, proposed Amended Answer, and supporting			
7/16/14	MDC	declaration. Interoffice conference with Attorney Schroeder to	0.70	¢100.00	¢126.00
7/16/14		discuss same.	0.70	\$180.00	\$126.00
7/16/14	MBM	Conference with Attorney Schroeder regarding hearing issues.	0.30	\$375.00	\$112.50
7/16/14	MEC	Interoffice conference with Attorney Merchant to discuss	0.20	¢200.00	¢07.00
7/16/14	MES	arguments in opposition to MetLife's motion to amend.	0.30	\$290.00	\$87.00
7/17/14	MDC	Interoffice conference with Attorney Schroeder to aid preparation	0.40	¢100.00	\$72.00
7/17/14	MIDC	for hearing on motion to compel and MetLife's motion to amend. Attend hearing on motion for protective order. Strategy meeting	0.40	\$180.00	\$72.00
		afterwards with Attorney Colley to discuss and prioritize next			
7/17/14	MES	litigation tasks.	2.25	\$290.00	\$652.50
//1//14	MILS	Confer with Attorney Schroeder regarding discovery and	2.23	Ψ270.00	\$032.30
		outcome of hearing on motion for protective order, and strategy			
7/17/14	ATR	going forward.	0.40	\$330.00	\$132.00
//1//14	71110	Interoffice conference with Attorney Schroeder and Attorney	0.40	φ330.00	Ψ132.00
7/17/14	MDC	Reilly to discuss impact of winning motion for protective order.	0.10	\$180.00	\$18.00
//1//14	MDC	Several interoffice conferences with Attorney Colley concerning	0.10	φ100.00	Ψ10.00
7/18/14	MES	discovery issues.	1.15	\$290.00	\$333.50
771071	1,125	Interoffice conference with Attorney Schroeder to discuss	1110	Ψ2>0.00	4000.00
7/18/14	MDC	Metlife's motion to compel.	0.50	\$180.00	\$90.00
		Interoffice conference with Attorney Colley to discuss discovery			
7/21/14	MES	issues.	0.30	\$290.00	\$87.00
		Interoffice conference with Attorney Schroeder to discuss			
7/21/14	MDC	discoverability of documents.	0.30	\$180.00	\$54.00
		Interoffice conferences with Attorneys Merchant, Reilly,			
		Schroeder, and Greenwood to discuss supporting declarations			
7/23/14	MDC	and exhibits for response to motion to amend.	0.50	\$180.00	\$90.00
		Conference with Attorney Schroeder regarding brief. Review			
7/23/14	MBM	and revise brief and declarations in support.	1.00	\$375.00	\$375.00
		Review and revise declaration. Confer with Attorney Schroeder			
7/23/14	CHG	concerning revisions. Review and approve revised declaration.	1.80	\$395.00	\$711.00
		Interoffice conferences with Attorneys Reilly and Merchant			
7/23/14	MDC	regarding strategy for opposing motion to amend.	0.40	\$180.00	\$72.00
		Interoffice conference with Attorney Colley to discuss strategy	0.55		
7/25/14	MES	for response to MetLife's motion for reconsideration.	0.20	\$290.00	\$58.00
· ·	155	Interoffice conferences with Attorneys Reilly and Schroeder	c ==	# 100 ==	4.7 0.7
7/25/14	MDC	concerning procedural posture of the motion.	0.25	\$180.00	\$45.00
		Interoffice conference with Attorney Schroeder to prepare for			
		hearing on MetLife's motion to amend. Post-hearing interoffice			
		conference with Attorney Schroeder to discuss response brief to			
7/20/14	MDC	MetLife's motion for reconsideration and preparation of	0.00	¢100.00	¢1.00.00
7/30/14	MDC	dispositive motions.	0.90	\$180.00	\$162.00
		Interoffice conferences with Attorneys Colley, Merchant, and			
7/20/14	MEG	Greenwood concerning the outcome of today's hearings and	0.25	¢200.00	¢70.50
7/30/14	MES	comments made by Judge Acosta during the hearing.	0.25	\$290.00	\$72.50
		Confer with Attorney Schroeder regarding response to motion for			
		reconsideration and need to locate or identify what was sent to			
		Mr. Funk on July 12 or 13, 2012. Review all e-mails in system			
7/30/14	ATR	from July of 2012 to identify what, if anything, was sent to Mr. Funk.	0.90	\$330.00	\$297.00
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Page 25 – DECLARATAION OF DANIEL E. THENELL IN SUPPORT OF DEFENDANT'S RESPONSE IN OPPOSITION TO PLAINTIFF'S MOTION FOR ATTORNEY FEES AND COSTS 11652

Date	Timekeeper	Description	Hours	Rate	Amount
		Confer with Attorney Schroeder on status of matter including			
7/30/14	CHG	Judge Acosta's denial of MetLife's motion to amend.	0.30	\$395.00	\$118.50
7/30/14	MBM	Conference with Attorney Schroeder regarding future motions.	0.30	\$375.00	\$112.50
		Interoffice conference with Attorney Colley to discuss arguments			
7/31/14	MES	in response to MetLife's motion for reconsideration.	1.20	\$290.00	\$348.00
		Interoffice conference with Attorney Schroeder concerning			
		strategy for response brief to MetLife's motion for			
		reconsideration. Review draft e-mail to counsel for MetLife			
		requesting he withdraw said motion and provide comments to		440000	***
7/31/14	MDC	Attorney Schroeder.	1.65	\$180.00	\$297.00
0/1/14	MEG	Interoffice conference with Attorney Greenwood to discuss	0.25	¢200.00	¢101.50
8/1/14	MES	MetLife's documents requests.	0.35	\$290.00	\$101.50
		Interoffice conferences with Attorney Schroeder to discuss and			
		analyze problems with MetLife's "sword and shield" argument			
		related to bids prepared by Mr. Shook. Review e- mail from			
0/1/1/	MDC	Attorney Schroeder concerning same to aid drafting of response	0.40	¢100.00	\$72.00
8/1/14	MDC	to MetLife's motion for reconsideration. Confer with Attorney Schroeder on status and Mr. Funk's	0.40	\$180.00	\$72.00
		upcoming deposition. Telephone conference with Mrs. Beck to			
8/7/14	CHG	discuss case status.	0.60	\$395.00	\$237.00
0/ // 14	CHO	Interoffice conference with Attorney Schroeder to discuss	0.00	ψ3/3.00	\$237.00
		strategy for oral argument on MetLife's motion for			
		reconsideration and to plan response to MetLife's motion to			
8/7/14	MDC	compel discovery.	0.30	\$180.00	\$54.00
0/ // 14	MDC	Interoffice conference with Attorneys Greenwood and Colley to	0.50	Ψ100.00	ψ34.00
8/8/14	MES	discuss Mr. Funk's deposition and next steps.	0.90	\$290.00	\$261.00
0, 0, 1 1	WES	Confer with Attorney Schroeder on Funk deposition. Advise on	0.50	Ψ270.00	Ψ201.00
8/8/14	CHG	need to go after electronic information behind each scope.	1.10	\$395.00	\$434.50
0, 0, 0		E-mail to Attorney Reilly concerning Mr. Eggert's scope and bid.		7070.00	7 10 110 0
		E-mail to Attorney Schroeder concerning same. Telephone call			
		with Mr. Eggert to discuss his scope and bid. Interoffice			
8/11/14	MDC	conference with Attorney Schroeder to discuss same.	0.25	\$180.00	\$45.00
		Interoffice conference with Attorney Colley to discuss his			
8/11/14	MES	conversations with Mr. Eggert.	0.15	\$290.00	\$43.50
		Interoffice conference with Attorney Reilly to discuss the basis			
		for the figure in paragraph 19 of plaintiff's Complaint. Draft			
8/11/14	MES	declaration for Attorney Reilly's signature concerning same.	0.80	\$290.00	\$232.00
		Confer with Attorney Colley regarding Eggert scope and bid and			
		with Attorney Schroeder regarding basis for allegations in			
8/11/14	ATR	paragraph 19 of the Complaint.	0.70	\$330.00	\$231.00
		Interoffice conference with Attorney Schroeder to discuss			
		strategy for Friday hearing on defendant's motions. E-mails to			
0/10/14	MDC	court reporter concerning filing of certified transcript of prior	0.40	¢100.00	ф 72 00
8/13/14	MDC	hearing.	0.40	\$180.00	\$72.00
		Interoffice conference with Attorney Colley to discuss additional			
		arguments for response to MetLife's motion to compel. Revise			
Q/12/14	MES	response to incorporate Attorney Colley's suggested edits. Final and electronically file same with the court.	1 10	\$290.00	\$310.00
8/13/14	MES	Interoffice conference with Attorney Schroeder concerning	1.10	φ ∠ 90.00	\$319.00
8/15/14	MDC	strategy following denial of MetLife's discovery motions.	1.10	\$180.00	\$198.00
0/13/14	IVIDC	Interoffice conference with Attorneys Greenwood and Colley to	1.10	φ100.00	φ1/0.00
		discuss the outcome of today's hearing and decision concerning			
8/15/14	MES	Mr. Shook.	1.10	\$290.00	\$319.00
0/13/14	MILD	Interoffice conference with Attorney Merchant to discuss the	1.10	Ψ270.00	ψ517.00
		outcome of today's hearing and decision concerning Mr.			
8/15/14	MES	Shook.	0.70	\$290.00	\$203.00
O, 13/17	141120	Confer with Attorney Schroeder on Judge's ruling and whether	5.70	Ψ270.00	Ψ203.00
8/15/14	CHG	she will call Mr. Shook as rebuttal witness.	0.65	\$395.00	\$256.75
3, 13, 11	0.10		0.00	4575.00	Ψ=2 3.75

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Date	Timekeeper	Description	Hours	Rate	Amount
		Interoffice conference with Attorney Colley to discuss expert			
8/18/14	MES	disclosure report.	0.20	\$290.00	\$58.00
		Interoffice conference with Attorney Schroeder concerning			
0/10/14	MDC	rebuttal expert strategy and preparations for motion for partial	0.15	¢100.00	¢27.00
8/18/14	MDC	summary judgment.	0.15	\$180.00	\$27.00
		Review e-mail from Attorney Thenell again refusing to produce			
		the Xactimate files. Voicemail message for and e-mail to Mr. Moreland and interoffice conference with Attorney Merchant			
		concerning same. E-mail to Attorney Thenell requesting			
		confirmation as to when MetLife destroyed the electronic			
8/20/14	MES	versions of its Xactimate estimates.	0.60	\$290.00	\$174.00
8/20/14	MBM	Conference with Attorney Schroeder regarding discovery issue.	0.20	\$375.00	\$75.00
0, 0, 1		Confer with Attorney Schroeder on need to obtain electronic		70.000	410100
8/20/14	CHG	versions of MetLife's Xactimate scopes.	0.45	\$395.00	\$177.75
		Interoffice conference with Attorneys Greenwood and Colley to		,	,
		discuss next steps with regard to additional Xactimate data			
8/21/14	MES	needed.	1.15	\$290.00	\$333.50
		Interoffice conference with Attorney Schroeder and Attorney			
		Greenwood to identify best method to obtain withheld discovery			
8/21/14	MDC	from MetLife.	1.20	\$180.00	\$216.00
		Confer with Attorney Greenwood regarding like-kind and quality			
		issues and review previous research on matter.			
8/21/14	AAW	Forward same to Attorney Colley for his use.	0.40	\$195.00	\$78.00
		Confer with Attorney Schroeder on electronic versions of			
		Xactimate and MetLife's refusal to turn over the versions behind			
0/01/14	CHC	their report. Analysis of same. Discuss further with Attorney	1.10	#207.00	Φ424.50
8/21/14	CHG	Schroeder regarding next steps.	1.10	\$395.00	\$434.50
		Confer with Attorney Schroeder on electronic programs and urge			
8/22/14	CHG	her to subpoena same for all MetLife scopes. Review follow up	0.90	\$395.00	\$355.50
0/22/14	СПО	e-mail sent to Attorney Thenell. Conference with Attorney Schroeder regarding electric data	0.90	\$393.00	\$333.30
8/22/14	MBM	question.	0.20	\$375.00	\$75.00
0/22/14	WIDWI	Interoffice conference with Attorney Schroeder concerning the	0.20	Φ373.00	φ/3.00
8/22/14	MDC	need for additional subpoenas to pursue electronic files.	0.30	\$180.00	\$54.00
0/22/11	IVID C	Review and respond to e-mail from Attorney Schroeder	0.50	Ψ100.00	ψ3 1.00
		concerning strategy for motion for partial summary judgment.			
8/25/14	MDC	Interoffice conference with Attorney Schroeder to discuss same.	0.65	\$180.00	\$117.00
		Interoffice conference with Attorney Colley to discuss Mr.			·
		Moreland's findings concerning depreciation. Instruct Attorney			
		Colley to review and summarize the deposition transcripts of Mr.			
		Lawson and Mr. Funk and identify and draft questions for			
8/25/14	MES	deposition of MetLife's designated representative, Mr. Nickle.	0.30	\$290.00	\$87.00
		Interoffice conference with Attorney Greenwood to discuss Mr.			
0/05/14) (F) (Moreland's report on depreciation. Telephone conference with	1.10	# 2 00.00	#210.00
8/25/14	MES	Mr. Moreland to discuss same.	1.10	\$290.00	\$319.00
0/26/14	MEG	Interoffice conference with Attorney Merchant to discuss motion	0.25	¢200.00	¢72.50
8/26/14	MES	for partial summary judgment.	0.25	\$290.00	\$72.50
9/26/14	MDC	Telephone conference with Attorney Schroeder to discuss trial	0.25	\$190.00	\$45.00
8/26/14	MDC	preparation strategy. Review and respond to e-mails from Attorney Colley regarding	0.25	\$180.00	\$45.00
		possible adjustment of cost of repair to meet market conditions at			
		time of repair. Review policy for guidance in language used.			
		Confer with Attorney Colley regarding findings and strategy for			
8/27/14	ATR	argument.	0.60	\$330.00	\$198.00
		Interoffice conference with Attorney Colley to discuss his	2.00	7220.00	+-> 0.00
		follow-up conversation with Mr. Eggert concerning his expert			
8/27/14	MES	report.	0.30	\$290.00	\$87.00
		Interoffice conferences with Attorneys Schroeder and Merchant			
8/27/14	MDC	concerning strategy and requirements for expert disclosure.	0.30	\$180.00	\$54.00
Daga 27		TATOM OF DANIEL F. THENELL IN CURROR OF DEFEN			

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Date	Timekeeper	Description	Hours	Rate	Amount
		Interoffice conference with Attorney Greenwood to discuss			
		additional discovery needed. Instruct Attorney Colley to contact			
		McBride to request electronic information included in prior			
8/28/14	MES	subpoena.	0.40	\$290.00	\$116.00
		Interoffice conference with Attorney Colley to discuss how best			
		to present evidence of the damage to Mrs. Beck's home to a jury.			
		Instruct Attorney Colley to research the grounds for conducting a			
8/28/14	MES	site visit with a jury.	0.15	\$290.00	\$43.50
		Interoffice conference with Attorney Greenwood to discuss			
8/28/14	MES	expert reports and trial strategy.	0.40	\$290.00	\$116.00
		Confer with Attorney Schroeder on expert reports, discovery			
8/28/14	CHG	issues, and trial strategy.	0.70	\$395.00	\$276.50
8/28/14	MBM	Conference with Attorney Schroeder regarding expert issues.	0.20	\$375.00	\$75.00
		Review Mr. Moreland's expert report. Discuss dispositive			
		motion and trial strategy related to same with Attorney			
8/29/14	MDC	Schroeder.	1.05	\$180.00	\$189.00
		Receive and reply to Attorney Schroeder's question regarding			
8/29/14	MBM	expert disclosure.	0.20	\$375.00	\$75.00
		Review MetLife's expert report. Confer with Attorney Schroeder			
8/29/14	CHG	on same.	1.30	\$395.00	\$513.50
		Interoffice conference with Attorney Greenwood to discuss status			
9/2/14	MES	of subpoena to Xactware and expert rebuttal reports.	0.30	\$290.00	\$87.00
9/2/14	CHG	E-mail to Attorney Schroeder concerning MetLife's expert report.	0.90	\$395.00	\$355.50
		Review e-mail from and interoffice conference with Attorney			
		Colley to discuss his telephone conference with Xactware's			
		attorney concerning subpoena duces tecum. Instruct Attorney			
		Colley to follow-up with Attorney Foglia tomorrow morning on			
		the requested production of electronic information, and if none is			
		available, to request all documents relating to the destruction of			
9/3/14	MES	same and Xactware's document retention policies.	0.35	\$290.00	\$101.50
		Instruct Attorney Colley to contact Mr. Eggert and Mr. Moreland			
		to discuss expert rebuttal reports needed and deadline for serving			
0.044		same on MetLife's counsel. Interoffice conference with Attorney	0.00	**	
9/3/14	MES	Colley to discuss same.	0.20	\$290.00	\$58.00
		Interoffice conference with Attorney Schroeder to discuss			
0/2/14	MDC	rebuttal expert strategy and to confer on research assignment	0.50	¢100.00	¢00.00
9/3/14	MDC	related to hearsay exceptions for expert witnesses.	0.50	\$180.00	\$90.00
		Interoffice conference with Attorney Schroeder to discuss			
0/4/14	MDC	motions practice and trial strategies to challenge inadmissible	1.00	\$180.00	\$180.00
9/4/14	MDC	evidence in MetLife's expert report. Interoffice conference with Attorney Merchant to discuss	1.00	\$100.00	\$100.00
		MetLife's expert report and ways to redact same for use in			
0/4/14	MEC	support of Mrs. Beck's motion for partial summary judgment.	0.25	\$200.00	\$101.50
9/4/14	MES	Review Judge Acosta's opinion denying motion for	0.35	\$290.00	\$101.50
		reconsideration. Confer with Attorney Schroeder on tactics			
9/5/14	CHG		1.10	\$305.00	\$434.50
7/3/14	СПО	going forward to ensure rebuttal reports are ready. Interoffice conference with Attorney Greenwood to discuss	1.10	\$395.00	\$434.50
9/8/14	MES	MetLife's expert report and our experts' rebuttal reports.	0.60	\$290.00	\$174.00
9/0/14	MES		0.60	\$290.00	\$174.00
0/11/14	MDC	Interoffice conference with Attorney Schroeder concerning status	0.40	\$190.00	\$72.00
9/11/14 9/15/14	MDC	of expert rebuttal reports. Conference with Attorney Schroeder regarding witness issues.	0.40	\$180.00 \$375.00	\$72.00 \$112.50
9/13/14	MBM	Interoffice conference with Attorney Greenwood to discuss	0.30	\$373.UU	φ112.3U
0/16/14	CHC	Interoffice conference with Attorney Greenwood to discuss	0.20	\$205.00	\$70.00
9/16/14	CHG	expert rebuttal reports.	0.20	\$395.00	\$79.00
		Additional legal research concerning MetLife's planned			
0/16/14	MEG	testimony related to Mr. Shook. Interoffice conferences with	2.10	\$200.00	\$600.00
9/16/14	MES	Attorney Merchant and Greenwood to discuss same.	2.10	\$290.00	\$609.00
0/16/14	MDC	Interoffice conference with Attorney Schroeder to discuss	0.60	¢100.00	¢100 00
9/16/14	MDC	strategy for expert rebuttal report disclosure.	0.60	\$180.00	\$108.00

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Date	Timekeeper	Description	Hours	Rate	Amount
		Telephone call with Attorney Curtis conferring on motion for			
		partial summary judgment. Interoffice conference with Attorney			
		Schroeder to discuss conferral and strategy for oral arguments on			
9/23/14	MDC	motion.	0.40	\$180.00	\$72.00
		Instruct Attorney Colley to contact Attorney Thenell's office to			
		confer on motion for partial summary judgment. Interoffice			
		conference with Attorney Colley to discuss Attorney Curtis'			
		unavailability. Review and revise Attorney Colley's draft e-mail			
		to Attorney Curtis requesting time to confer on motion and basis			
		for motion. Interoffice conference with Attorney Colley to			
		discuss his telephone conference with Attorney Curtis to confer			
		on motion for partial summary judgment and MetLife's refusal to			
		stipulate that MetLife breached its policy of insurance to Mrs.			
0/20/14) (T) (Beck. Final and file motion for partial summary judgment and	1.20	# 2 00.00	# 2 40 00
9/23/14	MES	documents in support with the court.	1.20	\$290.00	\$348.00
0/22/14	MDM	Review and revise motion for partial summary judgment.	0.60	Φ277.00	ф 22 5.00
9/23/14	MBM	Interoffice conference with Attorney Schroeder to discuss same.	0.60	\$375.00	\$225.00
0/24/14	MDC	Interoffice conference with Attorney Schroeder to plan strategy	0.20	¢100.00	¢54.00
9/24/14	MDC	for expert depositions and identify steps to implement same.	0.30	\$180.00	\$54.00
		Review e-mail from Attorney Schroeder on summary judgment motion she is filing on breach and fees issues. Confer with			
9/24/14	CHG	Attorney Schroeder about upcoming depositions of experts.	0.65	\$395.00	\$256.75
7/ 24/ 14	СПО	Interoffice conference with Attorney Schroeder concerning	0.03	φ <i>υ</i> 9υ.00	φ430./3
		strategy for deposition of MetLife's expert. Review and respond			
9/26/14	MDC	to multiple e-mails concerning same.	0.40	\$180.00	\$72.00
9/20/14	MDC	Review witness fee checks and subpoenas received from	0.40	\$100.00	\$72.00
		Attorney Thenell's office. Instruct Attorney Colley to contact			
		Attorney Thenell's office to confirm amount owed to Mr.			
		Omundson for witness fee. Instruct Legal Assistant Abbott to			
		draft Acceptance of Service for subpoenas to MetLife's expert.			
9/29/14	MES	Review and execute letter to Attorney Thenell enclosing same.	0.35	\$290.00	\$101.50
<i>>,</i> - >, -	1,12,0	Multiple telephone calls with Attorney Curtis to follow up on	0.00	Ψ2>0.00	Ψ101100
		production of expert's file in response to subpoena duces tecum.			
		Interoffice conference with Attorney Schroeder to discuss same.			
		E-mail to Attorney Curtis concerning same.			
		Coordinate cloud delivery of electronic version of Mr.			
10/6/14	MDC	Omundson's file.	1.20	\$180.00	\$216.00
		Interoffice conference with Attorney Schroeder concerning			
		preparations for upcoming expert depositions. Prepare outline of			
10/6/14	MDC	issues for same.	0.70	\$180.00	\$126.00
		Telephone conferences with Mr. Moreland and Mr. Eggert			
		concerning MetLife's request that they produce their files at their			
10/6/14	MES	depositions on Wednesday.	0.30	\$290.00	\$87.00
10/		Telephone calls with Mr. Eggert and Mr. Moreland concerning	0.55		40.
10/6/14	MDC	preparations for upcoming expert depositions.	0.20	\$180.00	\$36.00
10/6/14	MDM	Conference with Attorney Schroeder regarding discovery	0.20	#275 00	Φ 7 Ε 00
10/6/14	MBM	question and expert witness issues.	0.20	\$375.00	\$75.00
		Telephone conference and several interoffice conferences with			
10/7/14	MDC	Attorney Schroeder to discuss strategy and preparation for	0.60	\$180.00	\$108.00
10/ //14	MIDC	upcoming expert depositions. Several interoffice conferences with Attorney Schroeder to	0.00	φ100.00	φ100.00
		discuss status of our expert witnesses' depositions, as well as to			
		strategize for upcoming deposition of MetLife expert witness.			
		Interoffice conference with Attorney Greenwood to discuss same			
10/8/14	MDC	and the next steps in litigation.	0.60	\$180.00	\$108.00
10/0/17	MDC	Interoffice conference with Attorney Schroeder to prepare for	5.00	Ψ100.00	Ψ100.00
10/9/14	MDC	deposition of MetLife's expert.	0.35	\$180.00	\$63.00
- 3/ 2/ 1		Review Judge Acosta's Opinion and Order denying MetLife's	3.00	+-00.00	- 55.00
10/14/14	MDC	motion to compel. Discuss same with Attorney Schroeder.	0.10	\$180.00	\$18.00
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Date	Timekeeper	Description	Hours	Rate	Amount
		Review court notices confirming MetLife filed a response to Mrs.			
		Beck's motion for partial summary judgment. Interoffice			
		conferences with Attorneys Colley and Greenwood to discuss			
10/17/14	MES	MetLife's response brief.	1.15	\$290.00	\$333.50
		Analyze arguments and supporting authority in MetLife's			
		response to motion for partial summary judgment. Interoffice			
10/17/14	MDC	conference with Attorney Schroeder to discuss same and to plan	1 10	\$190.00	\$109.00
10/17/14	MDC	strategy for Reply brief. Review MetLife's Response to motion for partial summary	1.10	\$180.00	\$198.00
10/17/14	CHG	judgment. Confer with Attorney Schroeder on same.	0.90	\$395.00	\$355.50
10/11/14	CHG	Confer with Attorney Schroeder on status of Reply brief.	0.30	\$395.00	\$118.50
10/22/14	MES	Review and revise Reply brief drafted by Attorney Colley.	2.85	\$290.00	\$826.50
10/22/14	IVILIS	Interoffice conferences with Attorney Schroeder concerning	2.03	Ψ270.00	ψ020.50
		areas to revise and supplement in Reply brief in support of			
10/22/14	MDC	motion for partial summary judgment.	0.50	\$180.00	\$90.00
		Review current draft of Reply in support of motion for partial			
		summary judgment. Review supporting declarations and exhibits			
		of same. Interoffice conference with Attorney Schroeder			
10/23/14	MDC	concerning same.	0.50	\$180.00	\$90.00
		Legal research into District of Oregon and Ninth Circuit case law			
		concerning sanctions for spoliation of evidence to aid revisions to			
		Reply in support of motion for partial summary judgment.			
10/23/14	MDC	Interoffice conference with Attorney Schroeder to discuss same.	1.30	\$180.00	\$234.00
		Interoffice conference with Attorney Merchant to discuss			
		whether to withdraw oral argument request. E-mail to Attorney			
		Curtis asking whether MetLife will agree to withdraw its request			
10/24/14	MEG	for oral argument. Review voicemail message and e-mail from	0.75	¢200.00	¢217.50
10/24/14	MES	Attorney Curtis consenting to same.	0.75	\$290.00	\$217.50
10/24/14	MBM	Conference with Attorney Schroeder regarding waiver of request for oral argument.	0.20	\$375.00	\$75.00
10/24/14	WIDIVI	Interoffice conference with Attorney Schroeder to confer on	0.20	ψ373.00	Ψ13.00
		response to MetLife's motion for partial summary judgment and			
		discuss timing issues for filing cross-motion for summary			
10/29/14	MDC	judgment.	0.30	\$180.00	\$54.00
		Legal research concerning possible arguments for cross- motion			·
		in the event MetLife files a motion for partial summary judgment			
		that Mrs. Beck is not entitled to recover RCV. Interoffice			
10/29/14	MES	conference with Attorney Colley to discuss same.	0.45	\$290.00	\$130.50
		Review file for any evidence that MetLife waived the one-year			
		deadline. Interoffice conference with Attorney Colley to confirm			
		no waiver and to discuss additional arguments in support of			
10/29/14	MES	Response and Cross-Motion.	0.75	\$290.00	\$217.50
		Review MetLife's motion for partial summary judgment.			
10/20/14	MDC	Interoffice conference with Attorney Schroeder to discuss	0.70	¢100.00	\$10C 00
10/29/14	MDC	Response in opposition to same.	0.70	\$180.00	\$126.00
		Telephone conference with Attorney Schroeder to discuss final revisions to Response to MetLife's motion for partial summary			
10/30/14	MDC	judgment.	0.20	\$180.00	\$36.00
10/30/14	MIDC	Consider whether we should withdraw Mrs. Beck's cross- motion	0.20	Ψ100.00	ψ50.00
		for partial summary judgment in order to prevent MetLife from			
		having an opportunity to supplement the record in response to her			
		motion for partial summary judgment.			
10/31/14	MES	Interoffice conference with Attorney Merchant to discuss same.	0.40	\$290.00	\$116.00
		Interoffice conference with Attorney Schroeder to analyze			
		current status of dispositive motions and evaluate methods for			
11/3/14	MDC	moving case forward.	0.30	\$180.00	\$54.00
		Interoffice conference with Attorney Colley to discuss reasons in			
		favor of withdrawing cross-motion for partial summary			
11/4/14	MES	judgment. Interoffice conference with Attorney Merchant to	1.35	\$290.00	\$391.50

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Date	Timekeeper	Description	Hours	Rate	Amount
		discuss same. Draft Notice of Withdrawal. Forward same to			
		Attorney Merchant for review and comment. Revise Notice to			
		incorporate Attorney Merchant's suggested edits. Forward final			
		Notice to Mrs. Beck for review and approval.			
11/4/14	14014	Conference with Attorney Schroeder regarding withdrawal of	0.20	Φ277.00	Φ 7 7.00
11/4/14	MBM	cross-motion. Review and edit draft notice concerning same.	0.20	\$375.00	\$75.00
		Voicemail message for Mrs. Beck to discuss plan to withdraw			
11/5/14	MES	her cross-motion for partial summary judgment. Interoffice	0.20	\$290.00	¢50 00
11/5/14	MES	conference with Attorney Greenwood to discuss same. Review MetLife's Reply in support of its motion for partial	0.20	\$290.00	\$58.00
		summary judgment. Interoffice conference with Attorney			
11/6/14	MDC	Schroeder to discuss impact of Reply on case strategy.	0.40	\$180.00	\$72.00
11/0/14	MDC	Review Reply brief filed by MetLife and declaration of Attorney	0.40	\$100.00	\$72.00
		Thenell in support. Interoffice conference with Attorney Colley			
11/6/14	MES	to discuss same. E-mail to Mrs. Beck concerning same.	0.45	\$290.00	\$130.50
11/0/14	WILD	Interoffice conference with Attorney Greenwood to discuss case	0.45	Ψ270.00	Ψ130.30
11/21/14	MES	status and next steps.	0.20	\$290.00	\$58.00
11/21/1-T	1,1100	Interoffice conference with Attorney Schroeder regarding	0.20	Ψ270.00	Ψ20.00
		background of case, focusing on current status of litigation,			
		expectations for timeline and next steps in litigation, damage to			
		property, and numerous changes to estimates for repair. Review			
12/12/14	CMW	litigation file for relevant background information.	1.70	\$180.00	\$306.00
		Review e-mail concerning Mrs. Beck's frustration with the court's			
		delay in ruling on her motion for partial summary judgment.			
		Interoffice conference with Attorneys Roy and Greenwood to			
		discuss draft response to same. Revise and send e-mail that we			
2/19/15	MES	need to continue to wait patiently for Judge Acosta's ruling.	0.80	\$300.00	\$240.00
		Interoffice conference with Attorney Greenwood to discuss case			
		status. Interoffice conference with Attorney Merchant to discuss			
		strategy for follow-up with the court. Detailed e-mail to			
3/17/15	MES	Attorney Greenwood concerning same.	0.40	\$300.00	\$120.00
0/15/15	1011	Interoffice conference with Attorney Schroeder regarding delay	0.25	# 25	402.55
3/17/15	MBM	in decision and how to approach court regarding same.	0.25	\$375.00	\$93.75
2/10/15	MEG	Interoffice conference with Attorney Merchant to discuss next	0.15	#200 00	Φ4 7 .00
3/18/15	MES	steps. E-mail to client concerning same.	0.15	\$300.00	\$45.00
2/26/15	MDM	Interoffice conference with Attorney Schroeder regarding case	0.20	¢275.00	¢75.00
3/26/15	MBM	status and need to set trial date to keep moving.	0.20	\$375.00	\$75.00
		Interoffice conference with Attorney Schroeder concerning strategy for making formal request for trial date or raising issue			
3/27/15	MDC	with opposing counsel.	0.20	\$190.00	\$38.00
3/4//13	MIDC	Interoffice conferences with Attorneys Colley and Greenwood to	0.20	φ170.00	φ50.00
3/27/15	MES	discuss the pros and cons of requesting a trial date now.	0.40	\$300.00	\$120.00
5141113	MILD	Interoffice conferences with Attorneys Reilly and Greenwood	0.70	ψ500.00	Ψ120.00
		concerning decision to wait to request a trial date. Detailed e-			
3/31/15	MES	mail to Mrs. Beck concerning same.	0.35	\$300.00	\$105.00
2,22,12		Interoffice conference with Attorney Merchant to discuss draft	2.22	7223.00	+
		joint letter to Judge Acosta. E-mail to Attorneys Thenell and			
		Curtis enclosing same for review and comment. Review and			
		respond to e-mail from Attorney Curtis approving same and			
4/9/15	MES	arranging for pick-up of same tomorrow morning.	0.20	\$300.00	\$60.00
		Interoffice conference with Attorney Schroeder to confer on			
4/21/15	MDC	pursuing increased construction costs.	0.20	\$190.00	\$38.00
		Interoffice conference with Attorney Schroeder to evaluate			
		alternative methods for speeding up decision time on pending			
4/27/15	MDC	motions for summary judgment.	0.30	\$190.00	\$57.00
		Interoffice conference with Attorney Greenwood to discuss legal			
		research concerning Mrs. Beck's question about increased			
4/29/15	MES	construction costs and proposed recommendation to Mrs. Beck.	0.20	\$300.00	\$60.00

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Date	Timekeeper	Description	Hours	Rate	Amount
		Interoffice conference with Attorney Schroeder to evaluate			
		potential avenues for shortening time to receive decision on			
5/1/15	MDC	motion for partial summary judgment.	0.30	\$190.00	\$57.00
		Interoffice conference with Attorney Schroeder concerning			
		strategy related to court's decision on motions for partial			
5/8/15	MDC	summary judgment.	0.20	\$190.00	\$38.00
		Telephone conference with Mrs. Beck on status. Agree that a			
		gentle reminder letter be sent to Judge Acosta. Confer with			
		Attorney Schroeder on same to discuss the need to prepare form			
6/11/15	CHG	of reminder letter to Judge Acosta.	0.65	\$405.00	\$263.25
		Telephone conference with Mrs. Beck on status and to discuss			
		filing additional letter with Judge Acosta on client's age and			
		concerns that matter be resolved before her health declines.			
6/18/15	CHG	Confer with Attorney Schroeder on same.	0.30	\$405.00	\$121.50
		Interoffice conference with Attorney Greenwood to discuss and			
		draft formal letter to Judge Acosta. E-mail same to Mr. Gale and			
		Attorney Thenell along with a copy of the parties' joint April 13,			
6/23/15	MES	2015 letter. E-mail to Mrs. Beck concerning same.	1.45	\$300.00	\$435.00
		Confer with Attorney Schroeder on form of letter requesting			
		guidance on how to move the resolution of the case forward			
6/23/15	CHG	given plaintiff's age and health concerns.	1.00	\$405.00	\$405.00
		Review e-mails concerning Judge Acosta's Opinion and Order.			
		Review Opinion and Order. Several telephone conferences with			
7/7/15	MES	Attorneys Greenwood and Colley concerning same.	0.85	\$300.00	\$255.00
		Review in detail grant of summary judgment. Telephone			
		conference with Mrs. Beck to discuss same and ramifications for			
		case going forward. Telephone conference with Attorney			
		Schroeder to discuss Judge Acosta's Order and to suggest that she			
7/7/15	CHG	take steps to obtain earliest trial setting possible.	1.95	\$405.00	\$789.75
		Interoffice conference with Attorneys Merchant and Colley to			
- 10 14 -	3.677.0	discuss Judge Acosta's Opinion and Order and preparations		440000	*** ******
7/8/15	MES	needed for trial.	0.45	\$300.00	\$135.00
		Interoffice conference with Attorney Schroeder to discuss			
7/0/15	MDC	strategy for raising settlement issue and evidentiary issues for	0.20	¢100.00	¢20.00
7/8/15	MDC	trial.	0.20	\$190.00	\$38.00
		Review with care Judge Acosta's written opinion granting			
		summary judgment. Confer with Attorney Schroeder on same to			
7/0/15	CHC	discuss next steps to either force settlement or try remaining issue	1.40	\$405.00	¢567.00
7/8/15	CHG	as soon as possible given client's age and age of the case.	1.40	\$405.00	\$567.00
7/8/15	MES	Interoffice conference with Attorney Greenwood to discuss trial and settlement strategy.	0.20	\$300.00	\$60.00
1/0/13	IVILA	Interoffice conference with Attorney Greenwood to discuss Mrs.	0.20	φ500.00	ψυυ.υυ
7/9/15	MES	Beck's position with regard to settlement and trial.	0.25	\$300.00	\$75.00
117/13	IVILAS	Confer with Attorney Schroeder on Judge Acosta's ruling.	0.23	φ500.00	ψ13.00
7/9/15	CHG	Recommend she apply to court for earliest possible trial date.	0.35	\$405.00	\$141.75
117/13	CHO	Confer with Attorney Schroeder on Mrs. Beck's request for early	0.33	Ψτυυ.υυ	Ψ171./3
7/10/15	CHG	trial setting and trial and settlement strategy.	1.20	\$405.00	\$486.00
1/10/13	CHO	Interoffice conference with Attorney Greenwood to discuss	1.20	Ψτυυ.υυ	ψτου.υυ
7/15/15	MES	preparations needed for trial scheduling conference.	0.20	\$300.00	\$60.00
1/13/13	TTLD	Conference with Attorney Schroeder concerning upcoming trial	0.20	Ψ200.00	Ψ00.00
7/15/15	MBM	scheduling conference.	0.20	\$375.00	\$75.00
1/13/13	14117141	Confer with Attorney Schroeder on Attorney Thenell's view of	0.20	Ψ212.00	Ψ13.00
7/27/15	CHG	Judge Acosta's recent ruling.	0.45	\$405.00	\$182.25
7,27/13	0110	Confer with Attorney Schroeder on trial scheduling conference	0.73	Ψ105.00	Ψ102.23
7/28/15	CHG	and earliest possible trial date.	0.40	\$405.00	\$162.00
1,20,13	2110	Confer with Attorney Schroeder on results of court conference,	5.40	Ψ102.00	Ψ102.00
7/29/15	CHG	December 7, 2015 trial date and preparations needed for same.	0.45	\$405.00	\$182.25
1127113	0110	December 1, 2015 that date and proparations needed for same.	0.73	ψ-τυυ.υυ	Ψ102.23

Page 32 – DECLARATAION OF DANIEL E. THENELL IN SUPPORT OF DEFENDANT'S RESPONSE IN OPPOSITION TO PLAINTIFF'S MOTION FOR ATTORNEY FEES AND COSTS 11652

Date	Timekeeper	Description	Hours	Rate	Amount
		Review e-mail from Attorney Thenell requesting mediation as			
		soon as possible. Telephone conference with Mrs. Beck and			
		interoffice conferences with Attorneys Greenwood and Merchant			
		to discuss same. Instruct Legal Assistant Fleskes to contact			
		Attorney Scott's office for his availability. E-mail to colleagues			
		for recommendations for mediator. Interoffice conference with		***	
7/31/15	MES	Attorney Merchant to discuss same.	1.35	\$300.00	\$405.00
		Long telephone conference with Mrs. Beck to discuss case status			
		and next steps. Review e-mail from Attorney Schroeder			
7/21/15	CHC	concerning MetLife's request to participate in mediation. E- mail	1.40	¢405.00	¢5.67.00
7/31/15	CHG	to Mrs. Beck concerning same.	1.40	\$405.00	\$567.00
9/10/15	MES	Interoffice conference with Attorney Greenwood to discuss	0.20	\$300.00	\$60.00
8/10/15	MES	mediation strategy. Confer with Attorney Schroeder on spreadsheet needed for use in	0.20	\$300.00	\$00.00
		pre-mediation meeting with Mrs. Beck. Review and revise draft			
		spreadsheet. Interoffice conference with Attorney Schroeder to			
8/11/15	CHG	discuss same.	1.85	\$405.00	\$749.25
0/11/13	CHO	Interoffice conference with Attorney Schroeder regarding case	1.03	ψ 4 03.00	\$747.23
8/12/15	MBM	valuation.	0.40	\$375.00	\$150.00
0/12/13	WIDWI	Interoffice conference with Attorney Greenwood to discuss	0.40	ψ373.00	Ψ130.00
8/12/15	MES	mediation strategy.	1.30	\$300.00	\$390.00
0/12/13	WILD	Interoffice conference with Attorney Schroeder regarding	1.50	φ300.00	ψ370.00
8/13/15	MES	settlement strategy.	0.30	\$300.00	\$90.00
0/15/15	THES	Interoffice conference with Attorney Greenwood to discuss	0.50	φ500.00	Ψ>0.00
8/13/15	MES	mediation strategy.	1.00	\$300.00	\$300.00
0, 20, 20		Interoffice conference with Attorney Greenwood to discuss		700000	400000
8/17/15	MES	information needed for pre-mediation meeting with Mrs. Beck.	0.80	\$300.00	\$240.00
0,17,10	1,12,5	Review of draft Excel document on various settlement proposals.	0.00	φ200.00	Ψ2.0.00
		Confer with Attorney Schroeder to provide comments on same.			
8/20/15	CHG	Review redraft. Prepare comments on redraft.	1.15	\$405.00	\$465.75
		Review briefing on plaintiff's motions to quash the deposition			·
		subpoenas issued by Metropolitan to Mr. Greenwood and Mr.			
		Shook. Review transcript of June 16, 2014 hearing in which			
		Judge Acosta granted both motions. Draft section in mediation			
8/20/15	MES	statement concerning same.	2.10	\$300.00	\$630.00
		Confer with Attorney Schroeder on simplifying Excel			
		presentation for Mrs. Beck. Review e-mail from Attorney			
		Schroeder on time for meeting with Mrs. Beck to go over options			
8/21/15	CHG	to prepare her for the mediation.	0.85	\$405.00	\$344.25
		Interoffice conference with Attorney Greenwood to discuss edits			
8/21/15	MES	needed to spreadsheet.	0.30	\$300.00	\$90.00
		Review spreadsheet. Confer with Attorney Schroeder on			
		changes to simple presentation. Draft letter of explanation on			
0/24/15	CUC	case status and explaining spreadsheet to client in preparation for	2.10	\$405.00	\$850.50
8/24/15	CHG	meeting on upcoming mediation. Review and edit mediation statement and conference with	2.10	\$405.00	\$630.30
8/26/15	MBM	Attorney Schroeder regarding same.	0.75	\$375.00	\$281.25
0/20/13	MIDIM	Review mediation statement with care. Prepare suggested	0.73	φ575.00	φ201.23
		revisions to same. Confer with Attorney Schroeder on edits and			
8/27/15	CHG	reasoning. Review final mediation statement and attachments.	1.65	\$405.00	\$668.25
0,21,13	2110	Forward final draft mediation statement to Attorney Greenwood	1.03	Ψ102.00	ψ500.25
		for final review and comment. Interoffice conference with			
8/27/15	MES	Attorney Greenwood to discuss his suggested edits to same.	0.95	\$300.00	\$285.00
5,21/15	1.120	Confer with Attorney Schroeder on final preparations for	0.70	\$200.00	\$ 2 00.00
8/28/15	CHG	mediation.	0.95	\$405.00	\$384.75
5. 25, 10		Interoffice conference and telephone conference with Attorney	2.72	+	+
		Schroeder to discuss research project related to Metropolitan's			
8/31/15	MDC	assertions at mediation.	0.40	\$190.00	\$76.00

Page 33 – DECLARATAION OF DANIEL E. THENELL IN SUPPORT OF DEFENDANT'S RESPONSE IN OPPOSITION TO PLAINTIFF'S MOTION FOR ATTORNEY FEES AND COSTS 11652

Sign Confer with Attorney Schroeder on strategy moving forward now the mediation failed to produce a settlement 0.80 \$405.00 \$324.00	Date	Timekeeper	Description	Hours	Rate	Amount
Sign						1 0 0
Interoffice conference with Attorney Greenwood to discuss next 0.60 \$300.00 \$180.00	8/31/15	CHG		0.80	\$405.00	\$324.00
Mail						·
Miss Interoffice conference with Attorney Colley to discuss legal reactive conference with Attorney Schroeder to evaluate potential responses to settlement communications from Attorney Therell and Mediator Scott.	8/31/15	MES	<u>-</u>	0.60	\$300.00	\$180.00
Part						
InterOffice conference with Attorney Schroeder to evaluate	8/31/15	MES		0.40	\$300.00	\$120.00
Potential responses to settlement communications from Attorney Potential responses to settlement offer and arguments for response to Signature						
971/15 MDC						
Interoffice conference with Attorney Greenwood to discuss	9/1/15	MDC		0.40	\$190.00	\$76.00
Attorney Thenell's settlement offer and arguments for response to same. Review e-mail from Attorney Thenell concerning proposed subpoena to Mrs. Beck's insurance agent. Interoffice conference subpoena to Mrs. Beck's insurance agent. Interoffice conference oncerning Mrs. Beck's insurance agent. Interoffice conference oncerning Mrs. Sailor. Interoffice conference with Attorney Schroeder concerning opposing counsel's request to conduct additional discovery in this matter and appropriate response thereto. Additional legal research concerning statute of limitations issue. Interoffice conference with Attorney Schroeder to discuss same. O.40 S190.00 S76.00 Interoffice conference with Attorney Schroeder to discuss same. O.40 S190.00 S76.00 Interoffice conference with Attorney Merchant oliscuss Attorney Thenell's subpoena request and suggested response to same. O.45 S300.00 S135.00 S115.00 O.45 S300.00 S135.00 O.45						
9/215 MES same. Review e-mail from Attorney Thenell concerning proposed subpoena to Mrs. Beck's insurance agent. Interoffice conference with Attorneys Reilly and Colley concerning same. 0.45 \$300.00 \$135.00						
Subpoen to Mrs. Beck's insurance agent. Interoffice conference 0.45 \$300.00 \$135.00	9/2/15	MES	,	0.35	\$300.00	\$105.00
Subpoen to Mrs. Beck's insurance agent. Interoffice conference 0.45 \$300.00 \$135.00			Review e-mail from Attorney Thenell concerning proposed			
Review additional documents received from Attorney Thenell	9/10/15	MES		0.45	\$300.00	\$135.00
Oncerning Ms. Sailor. Interoffice conference with Attorney O.80 \$300.00 \$240.00						
9/10/15 MES						
9/10/15 MDC Interoffice conference with Attorney Schroeder to discuss same. 0.40 \$190.00 \$76.00	9/10/15	MES		0.80	\$300.00	\$240.00
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9/10/15 MDC						
9/10/15 MDC Interoffice conference with Attorney Schroeder to discuss same. 0.40 \$190.00 \$76.00	9/10/15	MDC		0.20	\$190.00	\$38.00
9/10/15 MDC Interoffice conference with Attorney Schroeder to discuss same. 0.40 \$190.00 \$76.00						
Interoffice conference with Attorney Merchant to discuss	9/10/15	MDC		0.40	\$190.00	\$76.00
Attorney Thenell's subpoena request and suggested response to same. Conference with Attorney Schroeder regarding defendant's discovery request. Interoffice conference with Attorney Greenwood to discuss the outcome of oral argument, Attorney Thenell's arguments and the court's response to same, and strategy for next steps. Interoffice conference with Attorney Schroeder to discuss next steps following denial of defendant's motion to conduct additional discovery and analysis of RCV claim. MDC Interoffice conference with Attorney Colley to discuss statute of limitations issues. Confer with Attorney Schroeder on argument over Attorney Thenell's late discovery request and the court's ruling. CHG Telephone conference with Mrs. Beck on same and case status. Review defendant's Offer of Judgment. Interoffice conference with Attorney Schroeder to evaluate same and discuss response. Continue legal research concerning the possible application of Rule 68 to this case. Detailed e-mail to Attorneys Greenwood and Merchant concerning my legal analysis and recommendations for their review and comment. Interoffice conference with Attorney Greenwood to discuss Mrs. Beck's rejection of MetLife's Offer of Judgment and additional evidence needed for trial. Conference with Attorney Schroeder concerning my legal analysis and recommendations for their review and comment. Interoffice conference with Attorney Schroeder concerning ability to obtain information in related suit against MetLife. Conference with Attorney Schroeder regarding federal jury instructions. Conference with Attorney Schroeder regarding potential attorney fee expert. Interoffice conference with Attorney Schroeder regarding potential attorney fee expert. Interoffice conference with Attorney Schroeder to discuss			Interoffice conference with Attorney Merchant to discuss			
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9/11/15 MBM discovery request. Interoffice conference with Attorney Greenwood to discuss the outcome of oral argument, Attorney Thenell's arguments and the court's response to same, and strategy for next steps. 0.60 \$300.00 \$180.00	9/11/15	MES		0.45	\$300.00	\$135.00
9/11/15 MBM discovery request. Interoffice conference with Attorney Greenwood to discuss the outcome of oral argument, Attorney Thenell's arguments and the court's response to same, and strategy for next steps. 0.60 \$300.00 \$180.00			Conference with Attorney Schroeder regarding defendant's			*
Interoffice conference with Attorney Greenwood to discuss the outcome of oral argument, Attorney Thenell's arguments and the court's response to same, and strategy for next steps. Interoffice conference with Attorney Schroeder to discuss next steps following denial of defendant's motion to conduct additional discovery and analysis of RCV claim. Interoffice conference with Attorney Colley to discuss statute of limitations issues. Confer with Attorney Schroeder on argument over Attorney Thenell's late discovery request and the court's ruling. Telephone conference with Mrs. Beck on same and case status. Review defendant's Offer of Judgment. Interoffice conference with Attorney Schroeder to evaluate same and discuss response. Continue legal research concerning the possible application of Rule 68 to this case. Detailed e-mail to Attorneys Greenwood and Merchant concerning my legal analysis and recommendations for their review and comment. Interoffice conference with Attorney Greenwood to discuss Mrs. Beck's rejection of MetLife's Offer of Judgment and additional evidence needed for trial. MES Interoffice conference with Attorney Schroeder concerning ability to obtain information in related suit against MetLife. Conference with Attorney Schroeder regarding federal jury instructions. Conference with Attorney Schroeder regarding potential attorney Conference with Attorney Schroeder regarding potential attorney Conference with Attorney Schroeder regarding potential attorney Conference with Attorney Schroeder to discuss Interoffice conference with Attorney Schroeder to discuss Conference with Attorney Schroeder to discuss Interoffice conference with Attorney Schroeder to discuss Conference with Attorney Schroeder regarding potential attorney Conference with Attorney Schroeder to discuss	9/11/15	MBM	I	0.20	\$375.00	\$75.00
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Interoffice conference with Attorney Colley to discuss statute of limitations issues.						
Interoffice conference with Attorney Colley to discuss statute of limitations issues.	9/14/15	MDC	additional discovery and analysis of RCV claim.	0.50	\$190.00	\$95.00
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Continue legal research concerning the possible application of Rule 68 to this case. Detailed e-mail to Attorneys Greenwood and Merchant concerning my legal analysis and recommendations for their review and comment. 9/23/15 MES Interoffice conference with Attorney Greenwood to discuss Mrs. Beck's rejection of MetLife's Offer of Judgment and additional evidence needed for trial. Interoffice conference with Attorney Schroeder concerning 9/30/15 MDC ability to obtain information in related suit against MetLife. Conference with Attorney Schroeder regarding federal jury instructions. Conference with Attorney Schroeder regarding potential attorney Conference with Attorney Schroeder regarding potential attorney fee expert. Interoffice conference with Attorney Schroeder to discuss			Review defendant's Offer of Judgment. Interoffice conference			
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9/28/15 MES evidence needed for trial. 9/30/15 MDC Interoffice conference with Attorney Schroeder concerning ability to obtain information in related suit against MetLife. Conference with Attorney Schroeder regarding federal jury instructions. Conference with Attorney Schroeder regarding potential attorney MBM fee expert. O.30 \$375.00 \$112.50 Interoffice conference with Attorney Schroeder to discuss			Interoffice conference with Attorney Greenwood to discuss Mrs.			
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Interoffice conference with Attorney Schroeder to discuss			Conference with Attorney Schroeder regarding potential attorney			
Interoffice conference with Attorney Schroeder to discuss	10/16/15	MBM		0.30	\$375.00	\$112.50
			Interoffice conference with Attorney Schroeder to discuss			
	10/22/15	MDC		1.60	\$190.00	\$304.00

Page 34 – DECLARATAION OF DANIEL E. THENELL IN SUPPORT OF DEFENDANT'S RESPONSE IN OPPOSITION TO PLAINTIFF'S MOTION FOR ATTORNEY FEES AND COSTS 11652

Date	Timekeeper	Description	Hours	Rate	Amount
		Interoffice conference with Attorney Schroeder to plan trial			
		strategy and discuss documents to be filed pursuant to the court's			
10/23/15	MDC	Jury Trial Management Order.	1.80	\$190.00	\$342.00
		Legal research on ability of party to subpoena opposing party's			
		non-testifying expert to trial. Interoffice conference with			
10/23/15	MDC	Attorney Schroeder concerning research results.	0.9	\$190.00	\$171.00
		Draft e-mails to Attorneys Bragg and Thenell. Review follow-			
		up from Attorney Thenell. Forward same to Attorney Merchant.			
		Several follow-up e-mails with Attorney Merchant concerning			
10/23/15	MES	Attorney Thenell's response.	1.35	\$300.00	\$405.00
10/27/15	MBM	Assist Attorney Schroeder with jury instructions and Trial Brief.	1.50	\$375.00	\$562.50
10,2,,10	1/121/1	Telephone conference with Attorney Schroeder concerning	1.00	φυ,υισο	ф го2.го
		strategy for motions in limine. Review relevant rules of evidence			
10/28/15	MDC	to aid in drafting of motions in limine and begin drafting same.	0.90	\$190.00	\$171.00
10/20/15	IIID C	Re-review defendant's claim notes to confirm whether they	0.70	Ψ190.00	Ψ171.00
		should be used as evidence. Interoffice conference with Attorney			
		Colley to discuss evidence therein in support of plaintiff's motion			
10/29/15	MES	in limine with regard to Mr. Shook.	0.40	\$300.00	\$120.00
10/25/15	IVILIS	Review Attorney Merchant's suggested edits to jury instructions.	0.40	Ψ300.00	Ψ120.00
		Interoffice conference with Attorney Merchant to discuss same.			
		Revise jury instructions to incorporate Attorney Merchant's			
10/29/15	MES	suggested edits.	2.30	\$300.00	\$690.00
10/27/13	WILD	Interoffice conference with Attorney Schroeder concerning effect	2.30	Ψ300.00	ψ020.00
		of statements made by Mr. Funk regarding negotiated settlement			
10/29/15	MDC	figures and other issues regarding valuation.	0.40	\$190.00	\$76.00
10/27/13	MDC	Interoffice conference with Attorney Merchant to discuss law of	0.40	\$170.00	Ψ70.00
		the case with regard to Metropolitan's affirmative defenses			
10/29/15	MDC	related to RCV.	0.50	\$190.00	\$95.00
10/27/13	MDC	Interoffice conference with Attorney Schroeder to discuss	0.50	\$170.00	Ψ/3.00
10/29/15	MDC	evidentiary issues.	0.30	\$190.00	\$57.00
10/29/13	MIDC	Revise voir dire questions. Interoffice conference with Attorney	0.30	\$190.00	\$37.00
10/30/15	MDC	Merchant concerning same.	0.40	\$190.00	\$76.00
10/30/13	MIDC	Review and respond to Attorney Thenell's proposed edits to the	0.40	\$190.00	\$70.00
		statement of the case. Interoffice conference with Attorney			
11/2/15	MES	Merchant concerning same.	1.15	\$300.00	\$345.00
11/2/13	WILD	Legal research concerning jury instruction on breach and on	1.13	\$500.00	Ψ343.00
		issues already decided on summary judgment. Interoffice			
11/2/15	MDC	conference with Attorney Schroeder to discuss research results.	1.20	\$190.00	\$228.00
11/2/13	MDC	Assist in trial preparation. Conference with Attorneys Schroeder	1.20	Ψ170.00	Ψ220.00
11/2/15	MBM	and Colley to discuss same.	2.60	\$375.00	\$975.00
11/2/13	WIDWI	Interoffice conference with Attorney Schroeder concerning	2.00	\$373.00	\$773.00
11/3/15	MDC	supporting evidence and proposed verdict form language.	0.30	\$190.00	\$57.00
11/3/13	MIDC	Review and comment on Response to Defendant's Objections to	0.50	ψ170.00	ψ57.00
		Plaintiff's Proposed Jury Instructions and Opposition to			
		Defendant's Additional Proposed Instruction. Interoffice			
11/3/15	MDC	conference with Attorney Schroeder concerning same.	0.90	\$190.00	\$171.00
11/3/13	MIDC	Review Metropolitan's witness list. Interoffice conferences with	0.70	ψ170.00	Ψ1/1.00
		Attorney Merchant and Attorney Colley to discuss Metropolitan's			
11/3/15	MES	pre-trial filings and objections to same.	0.60	\$300.00	\$180.00
11/3/13	MILO	Telephone conference with Attorney Schroeder to plan responses	0.00	φ500.00	ψ100.00
11/3/15	MDC	to defendant's filings.	0.30	\$190.00	\$57.00
11/3/13	MIDC	Telephone conference with Attorney Schroeder to evaluate	0.30	φ1 <i>7</i> U.UU	φ37.00
		whether to seek disqualification of defendant's expert witness. E-			
		mail to Attorney Warren and interoffice conferences with			
11/4/15	MDC	Attorney Warren and interornice conferences with Attorney Warren concerning same.	1.20	\$190.00	\$228.00
11/4/13	MIDC	Author waiten concerning same.	1.20	φ120.00	φ ∠∠0.00

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Date	Timekeeper	Description	Hours	Rate	Amount
		Interoffice conference with Attorney Colley to discuss research			
		needs. Begin research into Federal of Civil Procedure 36 and			
		disqualification of expert. Update Attorney Colley with			
		preliminary research and findings. Review Metropolitan's			
11/4/15	BEW	response to Request for Admissions.	3.15	\$230.00	\$724.50
		Interoffice conference with Attorney Schroeder on status of trial			
11/4/15	CHG	preparations.	0.45	\$405.00	\$182.25
		Interoffice conference with Attorney Schroeder concerning			
		objections, Motions in Limine, and Daubert challenge to			
11/5/15	MDC	defendant's expert.	0.40	\$190.00	\$76.00
		Continue research into withdrawal of admissions under Federal			
		Rule Civil Procedure 36. Interoffice conference with Attorney			
		Schroeder to discuss research and requirements for withdrawing			
11/5/15	BEW	admissions.	3.15	\$230.00	\$724.50
		Trial preparation assistance. Review filings and confer with			
11/5/15	MBM	Attorneys Schroeder and Colley concerning same.	1.25	\$375.00	\$468.75
		Interoffice conference with Attorney Schroeder concerning			
11/6/15	MDC	response to Defendant's Motion to Continue Trial Date.	0.70	\$190.00	\$133.00
		Outline objections to Defendant's Motion to Continue Trial Date.			
11/6/15	MDC	Interoffice conference with Attorney Schroeder to discuss same.	0.50	\$190.00	\$95.00
		Interoffice conference with Attorney Schroeder to discuss and			
		revise memorandum in opposition to Metropolitan's motion to		****	***
11/6/15	MBM	setover the trial date.	0.75	\$375.00	\$281.25
		Interoffice conference with Attorney Schroeder to discuss			
11/9/15	MDC	additional work needed for response briefs.	0.60	\$190.00	\$114.00
		Interoffice conference with Attorney Merchant to discuss			
		Plaintiff's Motions in Limine. Revise same to incorporate			
	3.550	Attorney Merchant's suggested edits. Instruct Legal Assistant		**	\$2.10.00
11/9/15	MES	Abbott to final and file same with the court.	0.80	\$300.00	\$240.00
		Continue reviewing and revising Plaintiff's Objections to			
		Defendant's Proposed Exhibits. Forward same to Attorney			
		Merchant for review and comment. Interoffice conference with			
		Attorney Merchant to discuss same. Revise draft to incorporate			
11/0/15	MEG	Attorney Merchant's suggested edits. Instruct Legal Assistant	1.05	¢200.00	Φ555 OO
11/9/15	MES	Abbott to final and file same with the court.	1.85	\$300.00	\$555.00
11/0/15	MEG	Begin reviewing defendant's filings. Interoffice conference with	0.45	¢200.00	¢125.00
11/9/15	MES	Attorney Colley to discuss same.	0.45	\$300.00	\$135.00
11/10/15	CHC	Confer with Attorney Schroeder on her meeting with Mrs. Beck	0.25	¢405.00	¢101.05
11/10/15	CHG	and case status.	0.25	\$405.00	\$101.25
11/11/15	MDC	Interoffice conference with Attorney Schroeder concerning	0.10	\$100.00	\$10.00
11/11/13	MDC	subpoena to Mr. McCabe. Interoffice conference with Attorney Schroeder to strategize	0.10	\$190.00	\$19.00
11/11/15	MDC	response to trial subpoenas issued to Ms. Sailor.	0.30	\$190.00	\$57.00
11/11/13	MDC	Interoffice conference with Attorney Colley to discuss legal	0.30	\$150.00	φ <i>51</i> .00
		research needed and additional arguments for reply briefs due on			
11/12/15	MES	Monday.	0.55	\$300.00	\$165.00
11/14/13	MILO	Interoffice conference with Attorney Schroeder to discuss plan	0.55	ψ500.00	Ψ105.00
11/12/15	MDC	for reply filings and allocate briefing tasks.	0.30	\$190.00	\$57.00
11/14/13	MIDC	Interoffice conference with Attorney Schroeder to discuss case	0.30	ψ170.00	ψ57.00
11/13/15	MDC	strategy.	0.50	\$190.00	\$95.00
11/13/13	MIDC	Confer with Attorney Schroeder on status and new matching	0.50	φ170.00	φ23.00
11/13/15	CHG	exception Attorney Thenell is trying to insert into the case.	0.65	\$405.00	\$263.25
11/13/13	CHU	Interoffice conference with Attorney Colley to discuss his legal	0.05	φ 4 03.00	φΔυβ.Δβ
11/14/15	MES	research results on matching issue.	0.70	\$300.00	\$210.00
11/14/13	MIEO	Multiple interoffice conferences with Attorney Schroeder	0.70	ψ500.00	Ψ210.00
11/16/15	MDC	concerning revisions to reply filings and case strategy.	0.60	\$190.00	\$114.00
11/10/13	MIDC	Interoffice conference with Attorney Schroeder concerning	0.00	φ170.00	φ114.00
11/16/15	MDC	subpoena issues.	0.20	\$190.00	\$38.00
11/10/13	MIDC	suopoena issues.	0.20	φ150.00	φ30.00

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Date	Timekeeper	Description	Hours	Rate	Amount
		Interoffice conference with Attorney Schroeder concerning			
11/17/15	MDC	strategy with regard to Mr. Omundson.	0.40	\$190.00	\$76.00
		Interoffice conference with Attorney Curtis to discuss trial			
		subpoenas to Mr. Lawson and Mr. Funk, her agreement to accept			
		service of same, and her agreement that the mileage fees can be			
11/18/15	MES	calculated from her office.	0.15	\$300.00	\$45.00
		Interoffice conference with Attorney Schroeder concerning issues			
11/18/15	MDC	for voir dire.	0.40	\$190.00	\$76.00
		Interoffice conference with Attorney Greenwood to discuss my			
11/18/15	MES	telephone conference with Mr. Shook.	0.20	\$300.00	\$60.00
		Interoffice conference with Attorney Colley to discuss trial			
11/18/15	MES	strategy and additional preparations needed for trial.	0.60	\$300.00	\$180.00
		Interoffice conference with Attorney Schroeder to confer on			
		witness strategy and appropriate response to Metropolitan			
11/18/15	MDC	subpoena.	0.60	\$190.00	\$114.00
		Conference with Attorney Schroeder regarding Sailor subpoena			
11/20/15	MBM	issue.	0.40	\$375.00	\$150.00
		Interoffice conference with Attorney Colley to discuss arguments			
		for next week's pre-trial conference and additional legal research			
11/20/15	MES	needed.	0.55	\$300.00	\$165.00
		Interoffice conference with Attorney Schroeder concerning			
11/20/15	MDC	deposition and testimony of Mr. Nickle.	0.40	\$190.00	\$76.00
		Interoffice conference with Attorney Schroeder to discuss			
		strategy for presenting ACV and RCV at trial as well as			
11/25/15	MDC	preparation for deposition of Mr. Nickle.	0.30	\$190.00	\$57.00
		Interoffice conference with Attorneys Colley and Greenwood to			
11/30/15	MES	discuss admissions made by Mr. Nickle during his deposition.	0.35	\$300.00	\$105.00
		Review Judge Acosta's Order on the parties' Motions in Limine.			
		Telephone conference with Attorney Schroeder to discuss same			
11/30/15	MDC	and plan next steps.	0.60	\$190.00	\$114.00
		Interoffice conference with Attorney Merchant to discuss Mr.			
12/1/15	MES	Nickle's deposition testimony and trial strategy.	0.40	\$300.00	\$120.00
		Interoffice conference with Attorney Colley to discuss objections			
		to Metropolitan's Amended Witness List. Instruct Attorney			
12/1/15	MES	Colley to draft formal objections for filing with the court.	0.55	\$300.00	\$165.00
		Conference with Attorney Schroeder regarding recent deposition,			
12/1/15	MBM	trial strategy and impact of the court's recent ruling.	0.60	\$375.00	\$225.00
		Multiple conferences with Attorneys Schroeder and Colley			
		regarding final trial preparations and strategy, settlement			
12/2/15	MBM	strategy, and themes for trial.	2.50	\$375.00	\$937.50
		Interoffice conference with Attorneys Merchant and Greenwood			
10/0/-	1.556	to discuss Metropolitan's settlement offer and Mrs. Beck's	0.15	#	0100.5
12/2/15	MES	counter-settlement offer.	0.60	\$300.00	\$180.00
		Interoffice conference with Attorney Merchant to discuss			
10/0/15	MEG	Attorney Thenell's position that Mrs. Beck is not entitled to	0.40	#200 00	Φ1 3 C 22
12/2/15	MES	recover any ACV above her policy limits.	0.40	\$300.00	\$120.00
		Review Attorney Thenell's e-mail response and increased			
10/0/15	MEG	settlement offer. Interoffice conference with Attorney Merchant	0.75	#200 00	#225 00
12/2/15	MES	to discuss same.	0.75	\$300.00	\$225.00
10/0/15	MDC	Conference with Attorney Schroeder to discuss objections and	0.20	Ø100.00	#20.00
12/2/15	MDC	trial matters.	0.20	\$190.00	\$38.00
		Several interoffice conferences with Attorney Schroeder			
10/0/15	MDC	concerning settlement offer from defendant and to discuss	0.50	¢100.00	#05.00
12/2/15	MDC	possible counteroffer.	0.50	\$190.00	\$95.00
		Review settlement correspondence between the parties.			
10/0/15	MDC	Interoffice conference with Attorney Schroeder to discuss	1.00	¢100.00	¢100.00
12/2/15	MDC	strategy for further settlement discussions.	1.00	\$190.00	\$190.00

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12/3/15 MES Jury instruction of the report of the payments. 0.35 \$300.00 \$105.00	Date	Timekeeper	Description	Hours	Rate	Amount
Consider whether a limiting instruction is needed with regard to matching. Interoffice conference with Attorney Colley to discuss same.	10/0/15	MEG	Interoffice conference with Attorney Colley to discuss limiting	0.25	#200 00	Φ10 7 .00
matching. Interoffice conference with Attorney Schroeder to discuss which matters to raise with the court prior to voir dire.	12/3/15	MES		0.35	\$300.00	\$105.00
12/3/15 MIS Same.						
Interoffice conference with Attorney Schroeder to discuss which miss to raise with the court prior to voir dire. 0,20 \$190.00 \$38.00	12/3/15	MES		0.30	\$300.00	\$90.00
12/3/15 MES		2.2.2.2			700000	47 4144
planned request for clarification from Judge Acosta concerning Review pattern jury instructions from state and federal court for models on instructions instructions involving other payments by insurers. Draft additional proposed jury instruction regarding other payments and motion for same. Interoffice conference with Attorneys Schroeder concerning proposed additional jury instruction. 12/3/15 MDC Telephone conference with Attorney Merchant to discuss best response to Metropolitan's latest settlement offer. Follow-up telephone conference with Mathematical Section of the Section of Section 12/3/15 MDC Interoffice conference with Attorney Schroeder concerning response to Metropolitan's latest settlement counteroffer. 12/3/15 MDC Interoffice conference with Attorney Schroeder concerning response to defendant's most recent settlement counteroffer. 12/3/15 MDC Interoffice conference with Attorney Merchant to discuss trial strategy. Interoffice conference with Attorney Merchant concerning preparations for trial. Interoffice conference with Attorney Merchant concerning Mr. Nickle's testimony and interpretation of Coverage A Plus provisions. Interoffice conference with Attorney Schroeder to preparations. Interoffice conference with Attorney Schroeder to preparations. Interoffice conference with Attorney Schroeder to preparations. Interoffice conference with Attorney Schroeder to preparation of Coverage A Plus provisions. Interoffice conference with Attorney Schroeder to prepare response to same. 12/4/15 MES Review e-mail from Attorney Curtics asking whether plaintiff will agree to call each of Metropolitan's winesses (Mr. Lawson, Mr. Funk, and Mr. McCabe) only once rather than limiting cross-examination to the scope of plaintiff's direct examination and forcing Metropolitan to re-call these witnesses in its case in chief. Consider pros and const to this approach. Interoffice conference with Attorney Schroeder concerning issues in defendant's opening statement. Review unredacted expert reports by Mr. Omndoson and	12/3/15	MDC		0.20	\$190.00	\$38.00
12/3/15 MES						
Review pattern jury instructions from state and federal court for models on instructions involving other payments by insurers. Draft additional proposed jury instruction regarding other payments and motion for same. Interoffice conference with Attorney Schroeder concerning proposed additional jury instruction. Telephone conference with Attorney Merchant to discuss best response to Metropolitan's latest settlement offer. Follow-up telephone conference with Mrs. Beck to discuss same. Interoffice conference with Mrs. Beck to discuss same. Interoffice conference with Attorney Schroeder concerning response to defendant's most recent settlement counteroffer. Interoffice conference with Attorney Merchant to discuss trial strategy. Interoffice conference with Attorney Merchant to discuss trial strategy. Interoffice conference with Attorney Merchant concerning response to defendant's most recent settlement counteroffer. Interoffice conference with Attorney Merchant concerning Mrs. Nickle's testimony and interpretation of Coverage A Plus provisions. Interoffice conference with Attorney Schroeder to prepare response to same. Review a-mail from Judge Acosta with his rulings on matching, Coverage A Plus, and Mr. Nickle. Forward same to Mrs. Beck. Review e-mail from Judge Acosta with his rulings on matching, Coverage A Plus, and Mr. Nickle. Forward same to Mrs. Beck. Review e-mail from Attorney Curtis asking whether plaintiff will agree to call each of Metropolitan's witnesses (Mr. Lawson, Mr. Funk, and Mr. McCabe) only once rather than limiting cross-examination to the scope of plaintiff's direct examination and forcing Metropolitan to re-call these witnesses in its case in chief. Consider pros and cons to this approach. Interoffice conference with Attorney Curtis a witness of the conference with Attorney Schroeder oncerning issues in defendant's opening statement. Review unreaded expert reports by Mr. Omundson and e-mail to Attorney Schroeder to concerning same. Interoffice conference with Attorney Schroeder to						
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Draft additional proposed jury instruction regarding other payments and motion for same. Interoffice conference with Attorney Schroeder concerning proposed additional jury instruction. Telephone conference with Attorney Merchant to discuss best response to Metropolitan's latest settlement offer. Follow-up telephone conference with Attorney Schroeder concerning response to Metropolitan's latest settlement offer. Follow-up telephone conference with Mrs. Beck to discuss same. Discussional latest settlement counteroffer. MDC Interoffice conference with Attorney Schroeder concerning response to defendant's most recent settlement counteroffer. Interoffice conference with Attorney Schroeder concerning response to defendant's most recent settlement counteroffer. Interoffice conference with Attorney Merchant to discuss trial strategy. Interoffice conference with Attorney Merchant to discuss trial strategy. Interoffice conference with Attorney Merchant concerning Mr. Nickle's testimony and interpretation of Coverage A Plus provisions. Interoffice conference with Attorney Schroeder to prepare response to same. Review e-mail from Judge Acosta with his rulings on matching. Coverage A Plus, and Mr. Nickle. Forward same to Mrs. Beck. Interoffice conference with Attorney Merchant to discuss same. Review e-mail from Attorney Curtia saking whether plaintiff will agree to call each of Metropolitan's witnesses (Mr. Lawson, Mr. Furk, and Mr. McCabe) only once rather than limiting cross-examination to the scope of plaintiff's direct examination and forcing Metropolitan to re-call these witnesses in its case in chief. Consider pros and cons to this approach. Interoffice conference with Attorney Schroeder with Comments. Draft Attorney Curtis witness order question. Interoffice conference with Attorney Curtis witness order question. Interoffice conference with Attorney Schroeder with Consider pros and cons to this approach. Interoffice conference with Attorney Schroeder with Consider prosand const to this approach. Interoffic						
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Attorney Schroeder concerning proposed additional jury instruction. Telephone conference with Attorney Merchant to discuss best response to Metropolitan's latest settlement offer. Follow-up telephone conference with Mrs. Beck to discuss same. 12/3/15 MES Interoffice conference with Attorney Schroeder concerning response to Gendenan's most recent settlement counteroffer. 12/3/15 MDC Interoffice conference with Attorney Schroeder concerning response to defendan's most recent settlement counteroffer. 12/3/15 MES Interoffice conference with Attorney Merchant to discuss trial strategy. Interoffice conference with Attorney Merchant concerning preparations for trial. Review and analyze response from Metropolitan concerning Mr. Nickle's testimony and interpretation of Coverage A Plus provisions. Interoffice conference with Attorney Schroeder to prepare response to same. Review -mail from Judge Acosta with his rulings on matching. Coverage A Plus and Mr. Nickle. Forward same to Mrs. Beek. Interoffice conference with Attorney Merchant to discuss same. Review -mail from Attorney Curtis asking whether plaintiff will agree to call each of Metropolitan's witnesses (Mr. Lawson, Mr. Funk, and Mr. McCabe) only once rather than limiting cross-examination to the scope of plaintiff's direct examination and forcing Metropolitan to re-call these witnesses in its case in chief. Consider pros and cons to this approach. Interoffice conference with Attorney Merchant to discuss same. 12/5/15 MES with Attorney Schroeder to glannitiff's direct examination and forcing Metropolitan to re-call these witnesses in its case in chief. Consider pros and cons to this approach. Interoffice conference with Attorney Schroeder concerning sisues in defendant's opening statement. Review and revise proposed jury instruction on other payments. Forward same to Attorney Schroeder to plan strategy for next day's witness testimony. Interoffice conference with Attorney Schroeder concerning strategy and potential revisions to closing argument in light						
12/3/15 MDC instruction.						
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12/3/15 MES telephone conference with Mrs. Beck to discuss same. 0.55 \$300.00 \$165.00 12/3/15 MDC Interoffice conference with Attorney Schroeder concerning response to defendant's most recent settlement counteroffer. 0.40 \$190.00 \$76.00 12/3/15 MES Strategy. 0.30 \$300.00 \$90.00 12/3/15 MES Strategy. 0.30 \$300.00 \$90.00 12/3/15 MDC Interoffice conference with Attorney Merchant to discuss trial strategy. 0.30 \$190.00 \$57.00 12/3/15 MDC Review and analyze response from Metropolitan concerning Mr. Nickle's testimony and interpretation of Coverage A Plus provisions. Interoffice conference with Attorney Schroeder to prepare response to same. 0.40 \$190.00 \$76.00 12/4/15 MDC Review e-mail from Judge Acosta with his rulings on matching. Coverage A Plus, and Mr. Nickle. Forward same to Mrs. Beck. Interoffice conference with Attorney Merchant to discuss same. 0.60 \$300.00 \$180.00 12/4/15 MES Review and all each of Metropolitan's witnesses (Mr. Lawson, Mr. Funk, and Mr. McCabe) only once rather than limiting cross-examination to the scope of plaintiff's direct examination and forcing Metropolitan to sentencesse in its case in chief. Consider pros and cons to this approach. Interoffice conference with Attorney Merchant to discuss same. 0.30 \$300.00 \$90.00 12/5/15 MES			Telephone conference with Attorney Merchant to discuss best			
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12/3/15 MDC response to defendant's most recent settlement counteroffer. 0.40 \$190.00 \$76.00 12/3/15 MES Interoffice conference with Attorney Merchant to discuss trial strategy. 0.30 \$300.00 \$90.00 12/3/15 MDC Interoffice conference with Attorney Merchant concerning 0.30 \$190.00 \$57.00 Review and analyze response from Metropolitan concerning Mr. Nickle's testimony and interpretation of Coverage A Plus provisions. Interoffice conference with Attorney Schroeder to prepar response to same. 0.40 \$190.00 \$76.00 12/4/15 MDC Review e-mail from Judge Acosta with his rulings on matching, Coverage A Plus, and Mr. Nickle. Forward same to Mrs. Beck. Interoffice conference with Attorney Merchant to discuss same. 0.60 \$300.00 \$180.00 12/4/15 MES Review e-mail from Attorney Curtis asking whether plaintiff will agree to call each of Metropolitan's witnesses (Mr. Lawson, Mr. Flunk, and Mr. McCabe) only once rather than limiting cross-examination to the scope of plaintiff's direct examination and forcing Metropolitan to re-call these witnesses in its case in chief. Consider pros and cons to this approach. Interoffice conference with Attorney Curtis' witness order question. Interoffice conference with Attorney Schroeder to discuss same. 0.30 \$300.00 \$90.00	12/3/15	MES		0.55	\$300.00	\$165.00
Interoffice conference with Attorney Merchant to discuss trial strategy. 0.30 \$300.00 \$90.00 12/3/15 MDC	40/0/47			0.40		
12/3/15 MES Strategy. 1. 1. 1. 1. 1. 1. 1.	12/3/15	MDC		0.40	\$190.00	\$76.00
Interoffice conference with Attorney Merchant concerning preparations for trial. Review and analyze response from Metropolitan concerning Mr. Nickle's testimony and interpretation of Coverage A Plus provisions. Interoffice conference with Attorney Schroeder to prepare response to same. Review e-mail from Judge Acosta with his rulings on matching, Coverage A Plus, and Mr. Nickle. Forward same to Mrs. Beck. Interoffice conference with Attorney Merchant to discuss same. Review e-mail from Attorney Merchant to discuss same. Review e-mail from Attorney Curtis asking whether plaintiff will agree to call each of Metropolitan's witnesses (Mr. Lawson, Mr. Funk, and Mr. McCabe) only once rather than limiting cross-examination to the scope of plaintiff's direct examination and forcing Metropolitan to re-call these witnesses in its case in chief. Consider pros and cons to this approach. Interoffice conference with Attorney Merchant to discuss same. Assist with final trial preparations. Evaluate response to Attorney Curtis' witness order question. Interoffice conference with Attorney Schroeder to discuss same. Review and revise proposed jury instruction on other payments. Forward same to Attorney Schroeder with comments. Telephone conference with Attorney Schroeder concerning issues in defendant's opening statement. Review unredacted expert reports by Mr. Omundson and e-mail to Attorney Schroeder concerning same. Telephone conference with Attorney Schroeder to plan strategy for next day's witness testimony. Interoffice conference with Attorney Schroeder concerning strategy and potential revisions to closing argument in light of defense theme. Conference with Attorney Schroeder to assist with next day's evidence. Review Judge Acosta's jury instructions to aid preparation for	12/2/15	MEC		0.20	\$200.00	00.002
12/3/15 MDC preparations for trial. Review and analyze response from Metropolitan concerning Mr. Nickle's testimony and interpretation of Coverage A Plus provisions. Interoffice conference with Attorney Schroeder to prepare response to same. Review e-mail from Judge Acosta with his rulings on matching, Coverage A Plus, and Mr. Nickle. Forward same to Mrs. Beck. Interoffice conference with Attorney Merchant to discuss same. 0.60 \$300.00 \$180.00	12/3/13	MES	Interoffice conference with Attorney Marchant concerning	0.30	\$300.00	\$90.00
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	12/1/13	MIDIM		0.50	ψυ1υ.00	Ψ107.50
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12/7/15 MDC concerning same. 1.60 \$190.00 \$304.00	12/7/15	MDC		1.60	\$190.00	\$304.00

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Date	Timekeeper	Description	Hours	Rate	Amount
	•	Conference with Attorney Schroeder and Expert Moreland			
		concerning Mr. Moreland's testimony, as well as planning for			
		final cross-examination of Mr. Funk and testimony of Mr.			
12/8/15	MDC	Eggert.	0.50	\$190.00	\$95.00
		Interoffice conference with Attorney Schroeder to prepare for			
12/8/15	MDC	day three of trial.	1.10	\$190.00	\$209.00
		Interoffice conference with Attorney Reilly to discuss issue of			
		when Mr. Moreland's estimate was provided to Metropolitan.			
		Several follow-up e-mails with Attorney Reilly concerning same.			
		Review Metropolitan's log notes and confirm that Mr. Funk			
		acknowledged receiving Mr. Moreland's report in his July 23,			
		2012 log note. Consider how best to raise this issue with the			
12/8/15	MES	court.	0.85	\$300.00	\$255.00
		Multiple conferences with Attorney Schroeder and Attorney			
		Colley regarding trial issues and questions. Evaluate lawyer as			
		witness question. Interoffice conference with Attorney			
12/8/15	MBM	Schroeder to discuss same.	2.50	\$375.00	\$937.50
		Interoffice conference with Attorney Schroeder concerning			
12/9/15	MDC	assistance needed for third day of trial.	0.40	\$190.00	\$76.00
		Telephone conference with Attorney Schroeder concerning			
12/9/15	MDC	additional jury instructions.	0.40	\$190.00	\$76.00
		Review settlement offer from defendant. Exchange multiple e-			
		mails with Attorney Schroeder and Attorney Merchant			
12/9/15	MDC	concerning response to same.	0.20	\$190.00	\$38.00
		Review notes from trial and consider arguments to include in			
		closing argument. Draft Venn diagram comparing the various			
10/0/15	DI A	estimators. Interoffice conference with Attorney Schroeder to	2.20	#00.00	Ф100.00
12/9/15	DLA	discuss same.	2.20	\$90.00	\$198.00
		Prepare PowerPoint presentation for Attorney Schroeder to use			
		during closing argument. Interoffice conference with Attorney			
12/0/15	DIA	Schroeder to review and discuss. Revise presentation to include	1.00	¢00.00	¢1.62.00
12/9/15	DLA	Attorney Schroeder's edits.	1.80	\$90.00	\$162.00
		Interoffice conference with Attorney Schroeder concerning			
12/10/15	MDC	strategy for day four of trial and research needed for attorney fee petition.	0.40	\$190.00	\$76.00
12/10/13	MDC	Interoffice conference with Attorney Merchant to discuss	0.40	\$190.00	\$70.00
		arguments for inclusion in attorney fee motion and terms of			
12/16/15	MES	possible settlement offer to Metropolitan.	1.10	\$300.00	\$330.00
12/10/13	WILS	Interoffice conference with Attorney Schroeder to discuss	1.10	\$300.00	\$330.00
12/17/15	MDC	exhibits and strategy for motion for attorney fees.	0.30	\$190.00	\$57.00
12/17/13	IVIDC	Confer with Attorney Schroeder on judgment and attorney fee	0.50	Ψ170.00	Ψ37.00
12/17/15	CHG	motion.	0.25	\$405.00	\$101.25
12/1/13	2.10	Evaluate settlement strategy and receivable ranges. Interoffice	5.25	φ.σσ.σσ	Ψ101. 2 0
12/17/15	MBM	conference with Attorney Schroeder to discuss same.	0.70	\$375.00	\$262.50
12,11,13	1.123111	Review e-mail from Attorney Thenell objecting to plaintiff's	5.70	\$2,2.00	4 202.20
		proposed form of judgment. Interoffice conference with			
		Attorney Merchant to discuss same. Review trial brief and			
		confirm cases cited in support of pre-judgment interest are still			
		good law. Instruct Legal Assistant Abbott to electronically file			
12/17/15	MES	plaintiff's proposed form of judgment with the court.	1.10	\$300.00	\$330.00
		Interoffice conference with Attorney Schroeder to discuss			
		strategy for attorney fee motion and response in support of Mrs.			
1/8/16	MDC	Beck's proposed form of judgment.	0.30	\$210.00	\$63.00
		Interoffice conference with Attorney Colley to discuss the status			
1/8/16	MES	of his work on the attorney fee motion.	0.10	\$320.00	\$32.00
		Interoffice conference with Attorney Schroeder to discuss			
1/12/16	MDC	additional arguments for attorney fee motion.	0.40	\$210.00	\$84.00

Page 39 – DECLARATAION OF DANIEL E. THENELL IN SUPPORT OF DEFENDANT'S RESPONSE IN OPPOSITION TO PLAINTIFF'S MOTION FOR ATTORNEY FEES AND COSTS 11652

Date	Timekeeper	Description	Hours	Rate	Amount
		Telephone conference with Attorney Farnell to confirm			
		Metropolitan did not accept Mrs. Beck's post-verdict settlement			
		offer and that we still need his assistance with the attorney fee			
1/15/16	MES	petition.	0.20	\$320.00	\$64.00
1/10/16	1 m c	Interoffice conference with Attorney Merchant to discuss	0.20	# 21 0.00	ф.c2.00
1/18/16	MDC	additional arguments for attorney fee motion.	0.30	\$210.00	\$63.00
1/26/16	MDC	Interoffice conference with Attorney Merchant concerning	0.20	6210.00	642.00
1/26/16	MDC	arguments to include in support of fee multiplier. Interoffice conference with Attorney Schroeder concerning	0.20	\$210.00	\$42.00
		ability to obtain extension of time to file attorney fee motion.			
1/26/16	MDC	Review relevant case law to confirm same.	0.30	\$210.00	\$63.00
1/20/10	MDC	Continue work on attorney fee motion. Review revised bill for	0.30	Ψ210.00	ψ03.00
		conformance with court rules. Interoffice conference with			
1/26/16	MBM	Attorney Schroeder to discuss same.	0.75	\$400.00	\$300.00
		Interoffice conference with Attorney Schroeder concerning			·
2/8/16	MDC	argument and authorities in support of motion for attorney fees.	0.60	\$210.00	\$126.00
2/11/16	MES	Meeting with Attorney Greene to discuss his expert opinion.	1.10	\$320.00	\$352.00
		Confer with Attorney Greenwood regarding need for research to			
		verify procedure under Internal Revenue Code Section 1033 to			
		request an extension of time to purchase replacement property			
		and authorities that would support of Mrs. Beck's anticipated			
11/26/14	C) fill	request for an extension and necessary background facts	0.50	#100 00	# 00.00
11/26/14	CMW	concerning Mrs. Beck's insurance case.	0.50	\$180.00	\$90.00
		Confer with Attorney Greenwood regarding need to obtain			
		extension of time to file request for extension of time to obtain replacement property under IRC Section 1033 and avoid gain on			
		receipt of insurance proceeds from damage to house by fire.			
		Consult relevant legal authorities regarding ability to extend time			
12/3/14	CMW	to obtain replacement property and procedure for request.	2.70	\$180.00	\$486.00
12/3/11	CITT	Interoffice conference with Attorney Wong concerning	2.70	φ100.00	ψ100.00
		information needed for IRS extension request. Follow-up e- mail			
		to Attorney Wong with list of all of the various scopes needed in			
		support of the extension request concerning the cost to repair or			
12/3/14	MES	replace Mrs. Beck's home.	1.20	\$290.00	\$348.00
		Confer with Attorney Wong on extension of IRC Section 1033			
12/3/14	CHG	rebuild period.	0.60	\$395.00	\$237.00
		Finish consultation of relevant legal authorities regarding ability			
		to extend time to obtain replacement property and procedure for			
		request under IRC Section 1033. Summarize conclusions and			
12/4/14	CMW	recommendations in memorandum for Attorney Greenwood.	2.60	\$180.00	\$468.00
12/4/14	CIVI VV	Request 2012 tax return from CPA. Review draft explanation for Mrs. Beck's request to the IRS to	∠.00	\$100.00	φ 4 υδ.00
		defer reporting gain under IRC Section 1033 arising from the			
		receipt of a partial payment of fire insurance proceeds received			
		by Mrs. Beck for damage done to her home and anticipated			
		timeline for conclusion of litigation. E-mail to Attorney Wong			
12/4/14	MES	with suggested edits to same.	0.10	\$290.00	\$29.00
		Confer with Attorney Greenwood regarding drafting of request			
		for extension of time. Receive and briefly analyze 2012 tax			
		returns. Consult relevant tax authorities to obtain address for			
	a.	filing request for extension of time to acquire replacement			
12/5/14	CMW	property under IRC Section 1033.	0.70	\$180.00	\$126.00
		Review and revise draft letters to the IRS requesting extension of			
10/15/14	MEG	time for Mrs. Beck to rebuild her home. Interoffice conference	0.70	¢200.00	¢202.00
12/15/14	MES	with Attorney Wong to discuss suggested edits to same.	0.70	\$290.00	\$203.00
		Interoffice conference with Attorney Schroeder regarding status of case and potential timeline for receipt of payment. Revise			
12/18/15	BND	letter to IRS based on input from Attorney Schroeder.	0.50	\$180.00	\$90.00
12/10/13	שאט	Tener to INS based on input from Aubiney Schloeder.	0.50	ψ100.00	φλυ.υυ

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Date	Timekeeper	Description	Hours	Rate	Amount
		Telephone conference with Mrs. Beck on status. Follow-up with			
12/18/15	CHG	Attorney Dirks on Section 1033 extension request.	0.35	\$405.00	\$141.75
		Interoffice conference with Attorney Greenwood concerning			
		application for extension of replacement period under IRC 1033.			
12/21/15	BND	Finalize same.	0.30	\$180.00	\$54.00
12/7/15	MDC	Assist Attorney Schroeder with final preparations for trial.	2.10	\$190.00	\$399.00
		TOTAL	545.40		\$144,654.00

- 4. Attached hereto as Exhibit B is a true and accurate copy of my September 1, 2015, email to Plaintiff's counsel with an offer of settlement.
- 5. Attached hereto as Exhibit C is a true and accurate copy of Plaintiff's September 8, 2015, letter rejecting Defendant's settlement offer.
- 6. Attached hereto as Exhibit D is a true and accurate copy of Defendant's September 21, 2015, Offer of Judgment which Plaintiff did not accept.

DATED: March 21, 2016, at Portland, Oregon.

	s/ Daniel E. Thenell	
By:		
•	Daniel E. Thenell, OSB No. 971655	

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on March 21, 2016, I served the foregoing DECLARATION OF DANIEL E. THENELL IN SUPPORT OF DEFENDANT'S RESPONSE

IN OPPOSITION TO PLAINTIFF'S MOTION FOR ATTORNEY FEES AND COSTS on:

Margaret E. Schroeder Michael B. Merchant Black Helterline LLP 805 SW Broadway, Suite 1900 Portland, OR 97205

Email: mes@bhlaw.com; dla@bhlaw.com; docketing@bhlaw.com; mbm@bhlaw.com;

tcr@bhlaw.com

Attorneys for Plaintiff

√	by electronic means through the Court's Case Management/Electronic Case Filing system on the date set forth above.
	by mailing a full, true and correct copy thereof in a sealed, first-class postage-prepaid envelope, addressed to the attorney as shown above, the last-known office address of the attorney, and deposited with the United States Postal Service at Portland, Oregon on the date set forth above.
	by causing a full, true and correct copy thereof to be hand-delivered to the attorney at the attorney's last-known office address listed above on the date set forth above.

THENELL LAW GROUP, P.C.

s/ Daniel E. Thenell

By: _

Daniel E. Thenell, OSB No. 971655 Email: <u>Dan@thenelllawgroup.com</u> Kirsten L. Curtis, OSB No. 113638 Email: <u>Kirsten@thenellawgroup.com</u>

Of Attorneys for Defendant Metropolitan Property

and Casualty Insurance Company

Trial Attorney:

Daniel E. Thenell, OSB No. 971655